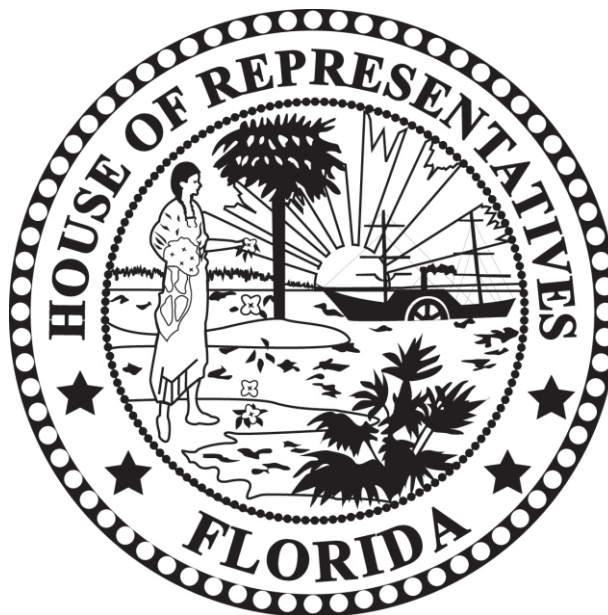


FLORIDA HOUSE OF REPRESENTATIVES

2007

SESSION SUMMARY



MARCO RUBIO, SPEAKER

MAY 2007

2007 LEGISLATIVE SESSION END OF SESSION REPORT

This report was compiled by the staff of the Florida House of Representatives upon completion of the 2007 Legislative Session. This information is intended to provide Florida legislators and their constituents with a summary of the bills that passed both legislative chambers. This document is not an in-depth description of the bills noted.

For your convenience, an “Index of Passed Legislation” is included in the back of this report. The index is presented in bill number order. This index also serves as a cross reference index, which identifies bills passed as components of other bills. As you review this index it will become evident that a House bill number may be listed under a Senate bill number or vice versa, indicating that each bill contains all or a portion of another bill.

The complete text of the bills included in this report and a section-by-section analysis of each bill can be found by accessing the following website:

House Bills: www.myfloridahouse.gov

The website includes both the current (or latest) version of a bill or analysis and all earlier versions.

- **The version of a bill that passed both chambers and is presented to the Governor is referred to as “Enrolled.”**
- **This is the version of the bill that has, or will, become law unless vetoed.**
- **Earlier versions of the bill do not reflect the exact language as passed by both chambers.**

It should be noted that at the time of publication of this report, May 10, 2007, some acts have not been presented to the Governor and the time allotted for the Governor to approve or veto an act has not expired. Therefore, some acts identified as “passed” by both chambers may not have become law. To verify the status of acts passed by the Legislature, visit the Legislature’s website or call the Division of Legislative Information at 1-800-342-1827.

HOUSE OF REPRESENTATIVES

Economic Expansion & Infrastructure Council

Representative Dean Cannon, Chair

Representative Dick Kravitz, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Committee on Economic Development

Representative Don Davis, Chair

Representative Gary Aubuchon, Vice Chair

Committee on Ethics & Elections

Representative Pat Patterson, Chair

Representative Peter Nehr, Vice Chair

Committee on Infrastructure

Representative Mike Davis, Chair

Representative Richard Glorioso, Vice Chair

Committee on Tourism & Trade

Representative Larry Cretul, Chair

Representative Doug Holder, Vice Chair

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Economic Expansion & Infrastructure Council

CS/HB 211 (Ch. 2007-25, L.O.F.) – Hurricane Preparedness

By Economic Expansion & Infrastructure Council; Nehr and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 92; HB 453

Committee(s) of Reference: Economic Expansion & Infrastructure Council; Policy & Budget Council

The bill provides that no sales tax will be collected on certain items that assist residents in preparing for hurricane season from June 1, 2007 through June 12, 2007. This coincides with the first day of hurricane season (June 1) and follows National Hurricane Preparedness Week (May 20-26, 2007).

The list of exempt hurricane preparedness items includes:

- Any portable self-powered light source selling for \$20 or less;
- Any portable self-powered radio, two-way radio, or weatherband radio selling for \$75 or less;
- Any tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- Any item sold as, or generally advertised as, a ground anchor system or tie-down kit selling for \$50 or less;
- Any gas or diesel fuel tank selling for \$25 or less;
- Any package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- Any cell phone battery selling for \$60 or less and any cell phone charger selling for \$40 or less;
- Any nonelectric food storage cooler selling for \$30 or less;
- Any portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$1,000 or less;
- Any storm shutter device selling for \$200 or less;
- Any carbon monoxide detector selling for \$75 or less;
- Any re-usable ice selling for \$10 or less; and
- Any single product consisting of two or more of the items listed above selling for \$75 or less.

The provisions of the bill do not apply to sales within an airport, within a public lodging establishment, or within a theme park or entertainment complex.

This bill grants rulemaking authority to the Department of Revenue and appropriates \$289,100 from the General Revenue Fund to administer this sales tax holiday.

Chapter 2006-7, Laws of Florida, enacted this exemption for the 2005-06 fiscal year, effective May 21 through June 1, 2006.

The Governor signed the bill into law on April 30, 2007, Ch. 2007-25, L.O.F..

CS/SB 900 – Initiative Petitions

By Judiciary; Posey and others

Tied Bills: None

Iden./Sim Bills: CS/HB 537; HB 7009

Committee(s) of Reference: Ethics and Elections; Judiciary

SB 900 creates a revocation process for citizen ballot initiatives. Supervisors of Elections must verify petitions submitted within 30 days of collection. The elector may revoke his or her signature within 120 days after the petition has been verified by a supervisor. The revocation process is subject to the same requirements and timeframes as the petition process.

Subject to the Governor's veto powers, the effective date of this bill is August 1, 2007.

SB 1134 – Transportation

By Transportation and Economic Development Appropriations; Fasano and others
Tied Bills: None

Iden./Sim Bills: HB 1581; HB 7075; CS/CS/CS/CS/SB 2804

Committee(s) of Reference: Transportation and Economic Development
Appropriations

SB 1134 is a conforming bill to the General Appropriations Act for Fiscal Year 2007-2008 (SB 2800). The bill accomplishes the following:

- Revises the Department of Transportation's (DOT) matching fund formula for fixed-guideway revenue bonds to allow for various matching scenarios, up to a limit of 50 percent on the state's share of the eligible project cost.
- Allows DOT to waive the requirement for contractors to be pre-qualified to bid on jobs if the project costs less than \$500,000 and if noncompliance will not endanger the public's health, safety, or welfare.
- Increases, from \$150,000 to \$250,000, the maximum contract price threshold at which DOT may waive surety bond requirements.
- Allows DOT to waive surety bond requirements for contracts greater than \$250 million provided the contractor can provide alternate means of security for the balance of the contract amount.
- Raises the Turnpike Enterprise's revenue bond cap from \$4.5 billion in bonds issued to \$10 billion in bonds outstanding.
- Requires nonprofit youth organizations to go through a certification process with DOT, submit annual reports, and places a \$600,000 cap on the contract amount.
- Provides DOT the authority to establish a pilot permit sign program in Orange and Osceola Counties.
- Requires the Department of Highway Safety and Motor Vehicles to implement a secure print-on-demand electronic temporary license plate registration.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1430 – Federal Grants Trust Fund/HSMV**By Transportation and Economic Development Appropriations; Fasano****Tied Bills: None****Iden./Sim Bills: HB 7029****Committee(s) of Reference: Transportation and Economic Development Appropriations**

The bill creates the Federal Grants Trust Fund within the Department of Highway Safety and Motor Vehicles. The Federal Grants Trust Fund is established as a depository for allowable grant activities funded by restricted program revenues from federal sources. The proceeds to be credited to the trust fund shall consist of grants and funding from the Federal Government, interest earnings, and cash advances from other trust funds. Funds shall be expended only pursuant to legislative appropriation or an approved amendment of the department's operating budget.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2008.

HB 7203 – Growth Management**By Economic Expansion & Infrastructure Council; Cannon and others****Tied Bills: None****Iden./Sim Bills: CS/SB 800; CS/HB 1375; CS/CS/CS/SB 780****Committee(s) of Reference: House Calendar**

The bill recognizes the varying needs of Florida's local governments and streamlines the state's growth management oversight in specific areas. A pilot program for state review of local comprehensive plans in urban areas is created in order to provide an alternative review process for densely developed areas. The bill provides a more efficient process for adoption and review of comprehensive plan amendments for Pinellas and Broward Counties, and their cities; and the cities of Jacksonville, Miami, Tampa, and Hialeah. The pilot exempts them from the formal compliance reviews by the state land planning agency. The bill retains the authority of affected parties and the Department of Community Affairs (DCA) to challenge plan amendments in these areas, and encourages the DCA to focus any challenges on issues of statewide importance. The Office of Program Policy Analysis and Governmental Accountability (OPPAGA) is given the responsibility for developing a report and recommendations for implementing a statewide program that addresses the stated legislative findings. The report is due December 1, 2008. As part of the report, OPPAGA shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program.

The bill provides additional staff and associated funding for DCA for technical assistance and planning purposes.

The bill makes several revisions to part II of Chapter 163, F.S., relating to growth management. Certain provisions are intended to address implementation issues related to CS/CS/CS/SB 360 enacted in 2005. Such issues include proportionate-share funding and backlog issues, financial feasibility, school concurrency, and transportation concurrency backlog districts to fund solutions to roads where capacity does not meet adopted levels of service.

In particular, the bill provides for meeting financial feasibility over time by revising the definition of “financial feasibility” to provide that a local comprehensive plan is financially feasible for purposes of transportation and school concurrency if the adopted level-of-service standards are achieved and maintained by the end of the appropriate planning period. It extends the deadline by one year, to December 1, 2008, for local governments to be subject to the sanctions if they have not updated their capital improvements element on an annual schedule to be consistent with the requirements of the 2005 law. The bill further provides that a comprehensive plan is financially feasible if, at a local government’s discretion, a plan amendment is supported by a development-of-regional impact (DRI) development order condition or binding agreement that satisfies the statutory requirements for projects in certain areas.

The bill revises the roles of the DCA (the state land planning agency) and the Florida Department of Transportation (FDOT) relating to the assessment and mitigation of impacts to Strategic Intermodal System (SIS) facilities.

With regard to proportionate-share funding and backlog issues, the bill clarifies that proportionate-share mitigation is limited to the impacts a development has on a transportation system and does not include reducing or eliminating backlogs. The bill also clarifies that proportionate-fair-share mitigation may be used for “pipelining” or multiple transportation improvements reasonably related to the development and those improvements may address one or more modes of travel.

The bill expands the eligibility criteria for transportation concurrency exception areas to include certain urban service areas that meet the requirements of the law. Associated with this issue, the bill revises the definitions of “urban redevelopment” to include community redevelopment areas. The bill adds airport facilities in the list of transit facilities that are not subject to transportation concurrency.

The bill provides that a specified prohibition on the adoption of plan amendments until the evaluation and appraisal report (EAR) update amendments have been adopted and transmitted does not apply to a proposed plan amendment in certain cases. Such prohibition does not apply to a proposed plan amendment adopted by a local government in order to integrate a port master plan with the coastal management plan element of the local comprehensive plan, if the port master plan or proposed plan amendment does not cause or contribute to the local government’s failure to comply with the EAR requirements.

The bill provides that in recognition of the 2007 real estate market conditions, all phase, build out, and expiration dates for projects that are DRIs and under active construction on July 1, 2007, are extended for three years. Such extension is not a substantial deviation, not subject to further DRI review, and not to be considered when determining whether a subsequent extension is a substantial deviation.

The bill authorizes a tool for local governments to address facilities that do not meet adopted levels of service related to transportation concurrency backlog areas. It allows for tax increment financing in areas where the local government has developed a plan and identified priorities for improvements that address facilities that are operating below the adopted levels of service.

The bill allows for mitigation of a development's impacts to school concurrency by accelerating facilities if the facility or facilities are in the capital improvements element, or will be included in the next annual update, and the developer has entered into a binding agreement with the school district to construct the facility within three years. The bill also provides for impact fee credits to the developer for costs incurred above the proportionate-share of the development.

The bill provides for the duration of development agreements entered between a local government and a developer to establish the development and conditions required of the developer to be up to 20 years rather than the current 10-year period.

In addition, the bill permits local governments to join together to create a Conservation Lands Tax Increment Financing District to purchase conservation lands for recreation and ecotourism. The bill also clarifies that conservation easements survive and are enforceable after the issuance of a tax deed.

The bill names the Community Workforce Housing Innovation Pilot Program as the "Representative Mike Davis Community Workforce Housing Innovation Pilot Program."

The bill provides DCA with expedited rulemaking authority for the purpose of implementing Specific Appropriation 1661A of the 2007-2008 General Appropriations Act, in order to implement the distribution of the Local Update Census Addresses (LUCA) technical assistance grants.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7205 – Recreational Vehicle Manufacturers, Distributors, Dealers, and Importers

By Economic Expansion & Infrastructure Council; Cannon and others

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 2488

Committee(s) of Reference: House Calendar

Current law provides a licensure structure for recreational vehicle (RV) dealer licensure through the Department of Highway Safety and Motor Vehicles (department), but does not provide regulation of the relationship between RV dealers and manufacturers.

The bill addresses the following:

Manufacturer/Dealer Agreement

- Requires RV manufacturers or distributors to have a signed dealer agreement which designates the area of sales responsibility exclusively assigned to a dealer.
- Prohibits a dealer from selling outside of its market area, unless certain criteria are met, such as obtaining an offsite/supplemental license.

Termination, Cancellation, and Nonrenewal of a Manufacturer/Dealer Agreement

- Establishes the criteria for cancelling a manufacturer/dealer agreement. Examples of the criteria include: conviction of a felony, closure of the business for more than 10 days, or a significant misrepresentation by either party.

- Directs a manufacturer or distributor to provide a dealer with at least 120 days prior written notice of termination, cancellation, or nonrenewal.
- Directs the manufacturer to repurchase certain items from a dealer once a manufacturer/dealer agreement is terminated, cancelled, or not renewed.

Transfer of Ownership; Family Succession

- Requires the dealer to notify the manufacturer or distributor of a change in ownership within 10 business days prior to the closing of a sale.
- Prohibits a manufacturer or distributor from objecting to a change in ownership or the succession to a dealership by a family member unless the prospective transferee or successor has previously been terminated by the manufacturer, has been convicted of a felony, lacks any required license, does not have an active line of credit, or has undergone bankruptcy in the last 10 years.
- Requires the manufacturer or distributor to give written notice of its reasons to object to a change in ownership within seven business days after receipt of the dealer's notification.
- Requires the manufacturer or distributor to give written notice of its objections to a succession within ten days after receipt of the dealer's modification of its succession plan.

Warranty Obligations

- Establishes warranty obligations as they relate to delivery of service, compensation, audits, claims, and bad practices.
- Bad warrantor practices include: failure to perform any of its warranty obligations with respect to its warranted products; failure to include the expected date by which necessary parts and equipment will be available to dealers to perform campaign work; failure to compensate any of its dealers for authorized repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer; failure to compensate any of its dealers for authorized warranty service in accordance with the schedule of compensation; intentional misrepresentation to purchasers of RVs that warranties are made by the dealer; requiring the dealer to make warranties to customers in any manner related to the manufacture of the RV; or failure to hold the dealer harmless for losses or damages caused by the negligence or willful misconduct of the warrantor.
- Bad dealer practices include: failure to perform predelivery inspection functions; failure to perform authorized warranty service work on any transient customer's vehicle of the same line-make; misrepresentation of the terms of any warranty; or failure to hold the warrantor harmless for losses or damages caused by the negligence or willful misconduct of the dealer.

Inspection and Rejection of New RVs by the Dealer

- Specifies inspection criteria for vehicles shipped to a dealer, the time frame and standards for rejection of a vehicle, and the responsibilities of each party in the event a vehicle is rejected.

Coercion of a Dealer

- Prohibits manufacturers or distributors from coercing or attempting to coerce a dealer to: purchase a product the dealer did not order, enter into an agreement with the manufacturer, take any action which is unfair or unreasonable to the

dealer, or require the dealer to enter into an agreement that requires the dealer to submit its disputes to binding arbitration.

Civil Dispute Resolution; Mediation; Relief

- Sets a dispute resolution process, by which a party must first go through mediation before the case is brought to circuit court.

Penalties

- Clarifies that the license of a dealer, manufacturer, distributor, or importer may be suspended or revoked and the entity fined by the department for violations of the act.
- Specifies that a violation of this act is a second degree misdemeanor, punishable by imprisonment for up to 60 days and a fine of up to \$500.

RV Manufacturer, Distributor, and Importer License

- Specifies that RV manufacturers, distributors and importers are subject to licensure by the department.

The bill provides a severability clause and specifies the intent of the Legislature is that the provisions of the bill be applied to manufacturer/dealer agreements entered into on or after October 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

Committee on Economic Development

CS/CS/HB 83 – Venture Capital Funds

By Policy & Budget Council; Economic Expansion & Infrastructure Council; Grant and others

Tied Bills: CS/CS/HB 131

Iden./Sim Bills: HB 1521; CS/SB 1074; CS/CS/SB 1762; CS/CS/CS/SB 2414; CS/SB 2416; CS/CS/CS/CS/SB 2420; CS/SB 2612

Committee(s) of Reference: Economic Expansion & Infrastructure; Economic Development; Policy & Budget Council

CS/CS/HB 83 implements a three-pronged approach to increase the amount of venture capital investment in Florida. The bill creates: the Florida Opportunity Fund to attract and encourage venture capital funds to invest in Florida businesses, the Institute for the Commercialization of Public Research to attract private investment into products generated by universities and other publicly supported entities, and the State University Research Commercialization Assistance Grant Program to assist state universities with the early stages of commercializing a product.

Idea # 91 of the *100 Innovative Ideas For Florida's Future* called for Florida to invest in early stage venture capital as the fuel to turn good ideas into new growth companies and high-wage jobs. The programs created in this bill will spur investments in Florida-based companies and research products produced by universities, colleges, and publicly-supported entities. To encourage the creation of high-wage jobs, the bill specifically calls for investment in life sciences, information technology, advanced manufacturing, aerospace and aviation, homeland security defense, and other strategic technologies.

Florida Opportunity Fund

The bill creates s. 288.9624, F.S., the Florida Opportunity Fund (fund), to invest in seed capital and early stage venture capital funds. The fund will be organized as a private, not for profit corporation and may not invest directly into individual businesses, but must form partnerships with private venture capital funds (the “funds-of-funds” approach). The bill provides \$30 million from the General Revenue Fund for start-up costs and investments in Florida businesses. To ensure Florida reaps maximum benefits from this program, one dollar in private match is required for every one dollar the state invests. The fund is required to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing investments, financial information, and the progress of the fund.

Institute for the Commercialization of Public Research

The bill creates s. 288.9625, F.S., the Institute for the Commercialization of Public Research (institute), and provides \$1 million from the General Revenue Fund for start-up and operational costs. The institute will serve as a clearinghouse for research projects generated by universities and colleges, research institutes, and publicly supported organizations. The purpose of the institute is to assist in the commercialization of products by attracting private investment into projects generated in the state. The institute is required to maintain a centralized location, develop an efficient process to publicize products, communicate with private investors regarding investment

opportunities, and facilitate meetings between investors and organizations accepted into the institute.

State University Research Commercialization Assistance Grant Program

The bill amends s. 1004.226(4), F.S., to create the State University Research Commercialization Assistance Grant Program under the Florida Technology, Research, and Scholarship Board. The bill provides \$4 million from the General Revenue Fund for grants that will assist state universities in the development and implementation of business plans to help commercialize a product. The program offers a three-tiered grant program; phase two and phase three grants require a 1:1 match in private funding.

- Phase one grants offer up to \$50,000 to assist in start-up activities for projects;
- Phase two grants offer up to \$100,000 for the development of business plans; and
- Phase three grants offer up to \$250,000 for the execution of business plans.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/HB 131 – Pub. Rec. & Meetings/Florida Opportunity Fund, Institute for the Commercialization of Public Research, & Florida Technology, Research, & Scholarship Board

By Policy & Budget Council; Economic Expansion & Infrastructure Council; Grant Tied Bills: CS/CS/HB 83

Iden./Sim Bills: HB 1521; HB 1527; CS/CS/SB 1762; CS/CS/CS/SB 2414; CS/SB 2416; CS/CS/CS/CS/SB 2420; CS/CS/SB 2422; CS/SB 2612

Committee(s) of Reference: Economic Expansion & Infrastructure Council; Economic Development; Policy & Budget Council

The bill creates s. 288.9626, F.S., a public records and public meetings exemption for certain proprietary information relating to venture capital investment in Florida businesses created by CS/CS/HB 83. Without an exemption for proprietary business information, investors and entities seeking investment may be hesitant to participate in venture capital programs. Should certain information become public, investors or businesses could be put at a competitive disadvantage with competing investors or businesses.

Specifically, the bill makes confidential and exempt for 10 years proprietary confidential business information held by the Florida Opportunity Fund, the Institute for the Commercialization of Public Research, and the Florida Technology, Research, and Scholarship Board. It defines "proprietary confidential business information" and excludes certain information from this definition.

The bill authorizes access to inspect or copy a particular public record if requested and allows for a petition to the appropriate court in Orange County, Florida, for the disclosure of any record made confidential and exempt by the Florida Opportunity Fund or the Institute for the Commercialization of Public Research.

The bill provides for future review and repeal of the exemptions and provides statements of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007. This

bill is contingent upon CS/CS/HB 83 or similar legislation being adopted in the same legislative session or an extension thereof and becomes law.

CS/CS/HB 1283 – Black Business Investment

**By Policy & Budget Council; Economic Expansion & Infrastructure Council;
Carroll and others**

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 2860

**Committees of Reference: Economic Expansion & Infrastructure Council;
Economic Development; Policy & Budget Council**

The bill substantially amends ss. 288.707-288.714, F.S., creating the Florida Black Business Investment Act, to increase the availability of capital to black business enterprises. The bill recreates the Black Business Investment Board (the board) as a not for profit corporation to evaluate the needs and aid in the development of black business enterprises. The bill also creates the Black Business Loan Program, under the administration of the Office of Tourism, Trade, and Economic Development (OTTED), to provide loans, loan guarantees, and investments through eligible recipients such as Black Business Investment Corporations or others, to black business enterprises that cannot otherwise obtain capital through conventional lending institutions.

The bill also includes the following provisions:

- Requires OTTED to annually certify entities to receive funds from the Black Business Loan Program. The board is required to review applications and make recommendations for certification to OTTED.
- Requires OTTED to contract with certified entities, and specifies the conditions of such contracts, including recovery of disbursed funds when performance conditions are not met.
- Requires quarterly reports from each certified entity receiving funds and requires the board to submit a compilation of those reports to OTTED.
- Provides that the board may use the Black Contractors Bond Trust Fund for the purposes of the Black Contractors Bond Program. The purpose of the bond program is to assist qualified black business enterprises in obtaining surety bonds and other credit instruments.
- Requires the Office of Program Policy Analysis and Governmental Accountability to review the initial implementation of the Florida Black Business Investment Act, as created by this bill, and report their findings to the Legislature and Governor by December 1, 2008; and to conduct a complete program review of the Black Business Loan Program and report their findings to the Legislature and Governor by December 1, 2009.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1301 – Workforce Services

By Economic Expansion & Infrastructure Council; Aubuchon and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1926

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Economic Development; Policy & Budget Council**

This bill amends portions of the workforce statutes related to work requirements and transitional child care under the Temporary Assistance to Needy Families (TANF) program. The TANF revisions reflect changes made by the U.S. Department of Health and Human Services (HHS) as a result of the Deficit Reduction Act of 2005. The bill does the following:

- Deletes lengthy descriptions of work requirements for TANF recipients which are currently in statute in order to conform state practice to federal work requirement definitions now detailed in the HHS final rule.
- Amends the transitional child care statute to emphasize that this service is only available to assist those seeking employment, attempting to retain employment, or attempting to improve their employment prospects.
- Changes certain terms to conform to terms in federal law.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/HB 1325 – Entertainment Industry Economic Development
By Policy & Budget Council; Economic Expansion & Infrastructure Council; Davis, D. and others

Tied Bills: None

Iden./Sim Bills: CS/SB 96

Committee(s) of Reference: Economic Expansion & Infrastructure Council; Economic Development; Policy and Budget Council

The bill substantially amends the Entertainment Industry Financial Incentive Program, s. 288.1254, F.S., creating a program that better meets the industry's need. Idea # 90 of the *100 Innovative Ideas For Florida's Future* called for Florida to establish the film industry as a priority industry in Florida, to establish a tax credit program, and to attract productions that are family-friendly to the state. CS/CS/HB 1325 provides a \$25 million appropriation that will revert after two fiscal years, rather than one fiscal year. This additional time will provide productions the ability to plan ahead and provide greater flexibility for filming between fiscal years.

There are three separate queues created by HB 1325: a General Production Queue that includes TV, film, commercials, and music videos; an Independent Florida Filmmaker Queue; and a Digital Media Project Queue. Productions are qualified by the Florida Office of Film and Entertainment and certified by the Office of Tourism, Trade, and Economic Development (OTTED) for incentive funding.

The General Production Queue provides a 15 percent incentive payment for TV and film productions. To qualify, these productions must have a minimum of \$625,000 in qualified expenditures and may receive an incentive award up to \$8 million per production. Commercials and music video productions within this queue are required to have a minimum of \$100,000 in qualified expenditures per production and exceed a total of \$500,000 for all productions to qualify for a 15 percent award. Productions certified in the General Production Queue may also be eligible for an additional 5 percent award if 75 percent of filming is conducted between June 1 and November 30.

The Independent Florida Filmmaker Queue provides a 15 percent award to qualified films or documentaries. To qualify a production must be no less than 70 minutes in length, all postproduction must be performed in Florida, and the production must have a minimum of \$100,000 in qualified expenditures but no more than \$625,000.

The Digital Media Project Queue provides a 10 percent award on qualified expenditures, or no more than \$1 million. To qualify under this queue a production must have a minimum of \$300,000 in qualified expenditures.

The bill also provides an additional 2 percent incentive award for productions that are determined to be “family-friendly.” The bill defines family friendly productions as those that have cross-generational appeal; would be considered suitable for viewing by children age 5 and older; are appropriate in theme, content, and language for a broad family audience; embody a responsible resolution of issues; and do not exhibit any act of smoking, sex, nudity, or vulgar or profane language.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

Committee on Ethics & Elections

CS/HB 537 – Elections

By Economic Expansion & Infrastructure Council; Rivera and others

Tied Bills: None

Iden./Sim Bills: SB 1010; CS/CS/SB 960; includes parts of CS/CS/213; HB 1615; SB 2300; CS/SB 958

Committee(s) of Reference: Economic Expansion & Infrastructure Council; Ethics & Elections

CS/HB 537 addresses a number of issues relating to elections:

- **Presidential Preference Primary:** The bill moves the date of the presidential preference primary to the last Tuesday in January of each year in which a presidential election occurs. In 2008, that date will be January 29, 2008.
- **Voting Equipment:** The bill requires the majority of voters to cast an optical scan, marksense ballot (paper ballot) instead of voting on touchscreen equipment. Touchscreen voting equipment will be phased out by 2012, but will be available for the disabled community until that date.
- **Audits:** The bill requires random audits of the voting machines in 1-2 percent of the precincts for the first race on the ballot. Audits must be completed by the 7th day following certification of the election, with a report to the Department of State within 15 days of completion.
- **Election Administration:** The bill incorporates a number of changes relating to elections that include moving the primary election from 9 weeks prior to the general election to 10 weeks prior to the general election, so that it does not occur immediately after a long holiday weekend. It also moves up the qualifying period by three weeks for state, multicounty district, county, district, and special district offices. Qualifying would occur in late June of an election year.
- **Resign-to-Run:** The bill provides an exemption from the resign-to-run law for persons running for federal office.
- **Florida Elections Commission:** The bill changes the requirements for complaints and the procedures for their disposition before the Florida Elections Commission. It requires sworn complaints that are filed with the Commission to be based on personal knowledge of the complainant. Finally, the bill requires the Commission to maintain a searchable database of all final orders and agency actions.
- **Voter Registration Groups:** The bill expands the voter registration law's application to political parties (previously, they are exempt from the fines imposed for the late submission of voter registration applications). It lowers the penalties for late submission of applications and allows the Department of State

to waive penalties due to circumstances beyond the control of registration organizations.

- **Petition Revocation:** The bill creates a process whereby a person signing a citizen initiative petition may later revoke that signature within 150 days of the date that he or she signed the petition. The petition revocation form must be submitted to the appropriate supervisor of elections.
- **Funding for New Voting Equipment:** The bill authorizes an expenditure of approximately \$27.86 million from the Grants and Donations Trust Fund to be used for the purchase of optical scan voting equipment (\$22.86 million) and ballot-on-demand technology, including optical scan tabulators (\$5 million) to replace touchscreen equipment.

Subject to the Governor's veto powers, the effective date of the bill is January 1, 2008, except as otherwise expressly provided therein, and except for the last section which takes effect upon becoming a law.

CS/SB 1920 – Ballot Initiatives

By Commerce; Fasano

Tied Bills: None

Iden./Sim Bills: CS/HB 559

Committee(s) of Reference: Ethics and Elections; Commerce

CS/SB 1920 states that no provision of the Florida Election Code shall prohibit an owner of private property from excluding persons who undertake activities supporting or opposing ballot initiatives.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Infrastructure

SB 90 – Motor Fuel Taxes/Commercial Aviation

By King

Tied Bills: None

Iden./Sim Bills: CS/HB 67

Committee(s) of Reference: Transportation; Finance and Tax; Transportation and Economic Development Appropriations

People and businesses who use motor fuel in off-road agricultural vehicles and farm equipment, commercial fishing vessels and related equipment, and vessels and other equipment used in aquaculture operations are entitled to a refund of certain motor fuel taxes. The refund is conditioned on the requirement that no amount of the fuel was used in any vehicle or equipment operated on state highways.

The bill adds a fourth category of vehicles and equipment: those used exclusively for commercial aviation purposes on airport property. This category makes people and businesses who own vehicles and equipment used exclusively for commercial aviation purposes, and which are never used on public highways, eligible for motor fuel tax refunds. The type of vehicles and equipment that are envisioned to qualify for the refund include the vehicles known as “tugs” that deliver luggage, concessions, and other products to airplanes, as well trucks that never leave the airport property, generators, landscaping equipment used exclusively on airport property, and safety and rescue equipment.

The bill has a negative fiscal impact of \$200,000 annually. Most of the refund will impact the State Transportation Trust Fund (STTF), with a small portion impacting counties and municipalities that share the state-collected local-option fuel tax created pursuant to s. 206.41(1)(e), F.S.

The number of businesses that may qualify for the refund is unknown. Florida Department of Revenue (DOR) research indicated that 101 businesses may qualify, based on their state sales tax records, or as many as 893 businesses may qualify, based on IRS records. Under both scenarios, the fuel tax refunds will total less than \$200,000 annually.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

HB 121 – Florida Highway Patrol Auxiliary

By Coley and others

Tied Bills: None

Iden./Sim Bills: SB 558

Committee(s) of Reference: Economic Expansion & Infrastructure Council; Infrastructure

HB 121 enables the director of the Florida Highway Patrol Auxiliary (FHPA) to present a retiring officer, who has a minimum of 20 years of service, with one complete uniform, including the badge worn by that officer, the officer’s service handgun, and an identification card clearly marked “RETIRED”. There are currently 105 FHPA members

with 20 or more years of service and approximately 10 of those FHPA members retire each year.

The expenditures incurred by the Department of Highway Safety & Motor Vehicles relating to qualified retiring FHPA officers who receive their uniform, badge, and service handgun will be paid with existing department resources.

The bill also removes the prohibition of providing compensation to individuals volunteering with the FHPA. Removal of the prohibition brings the FHPA in line with the other auxiliary organizations throughout the state which are statutorily permitted to compensate their membership.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 124 – Custom Vehicles & Street Rods
By Transportation; Posey
Tied Bills: None
Iden./Sim Bills: CS/CS/HB 545
Committee(s) of Reference: Transportation

CS/SB 124 addresses the registration and equipment requirements of custom vehicles and street rods. Current statute defines the term "street rod" and specifies that the vehicle may only be used for certain occasions, the owner of the vehicle may apply for a specialty plate, and the vehicle must meet state motor vehicle safety requirements.

CS/SB 124 provides specific registration and titling classes for street rods and custom vehicles, including kit cars and replicas. The bill provides definitions for both. A "street rod" is defined as a vehicle either manufactured prior to 1949 or made to resemble a pre-1949 vehicle and a "custom vehicle" is defined as a vehicle made to resemble a vehicle made between 1949 and 1982. The definition for street rod in the bill is broader than the current statute, allowing vehicles manufactured after 1949 to be considered street rods. Custom vehicles and street rods will be assigned the same model year designation as the production vehicle they most closely resemble and non-original materials will be allowed in production.

In addition, the bill requires the owner of a custom vehicle or street rod to submit a written statement to the Department of Highway Safety and Motor Vehicles (Department) stating the vehicle will not be used for general daily transportation, but maintained for occasional transportation, exhibitions, club activities, parades, tours, etc. The owner must also submit a written statement to the Department that the vehicle meets state equipment and safety requirements. Only those requirements that were in effect in the year listed on the vehicle's title are applicable. For instance, a custom vehicle made to resemble a 1969 Camaro would not be required to have airbags installed.

The bill creates a specialty license plate for custom vehicles and allows custom vehicles and street rods to be equipped with blue dot tail lights, which are red lamps containing a blue or purple insert. Also, the bill exempts these vehicles from the use and inspection of emission controls.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 136 – Live the Dream License Plates**By Transportation; Bullard****Tied Bills: None****Iden./Sim Bills: CS/HB 137****Committee(s) of Reference: Transportation**

The bill redirects the twenty-five percent of allocated funds for general grants for research, care, and treatment of sickle cell disease to be distributed equally among the eight sickle cell organizations in Florida, currently registered with the Department of State's Division of Corporations.

The "Live the Dream" license plate was created by the Legislature in 2004 and has raised \$109,225.00 from July 1, 2004 to present. Historically, this license plate has generated approximately \$54,612 annually. Assuming that revenues from the plate continue at this rate, \$13,653 would be made available for research, treatment, and care programs pertaining to sickle cell disease. This amount would be distributed equally to the eight registered sickle cell organizations in the state.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 259 – Mobile Home Relocation Corporation**By Economic Expansion & Infrastructure Council; Attkisson and others****Tied Bills: None****Iden./Sim Bills: CS/SB 1036****Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

The bill addresses the relocation of mobile homes when a land use change results in the eviction from a mobile home park.

The bill specifies the terms of the notice that mobile home park owners must provide to homeowners at least six months before a change in the use of the park. The bill also imposes late fees for a mobile home park owner's untimely payment of a relocation fee to be deposited into the Florida Mobile Home Relocation Trust Fund.

The bill provides that the Florida Mobile Home Relocation Corporation may file and maintain the action to collect payments in Leon County. Leon County is specified as the proper venue for any action to which the corporation is a party.

The bill prohibits a mobile home owner from making an application for funding from the Florida Mobile Home Relocation Corporation for relocation expenses if the applicant has settled a claim or cause of action against the corporation, park owner, or the park owner's successors in interest directly related to the change in the use of the land for the mobile home park. The bill also limits the period for filing an application for moving expenses to one year after the expiration of the eviction period as established in the notice of the change of land use. If the homeowner has filed a claim or cause of action that is subsequently dismissed with prejudice, the bill gives the homeowner six months following the dismissal to submit the application for moving expenses. However, such an applicant must file the application within two years after the expiration of the eviction period as established in the notice of the change of land use.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 275 – Motor Vehicle, Mobile Home, and Vessel Registration
By Policy and Budget Council; Economic Expansion and Infrastructure Council;
Davis, M. and others
Tied Bills: None
Iden./Sim Bills: CS/SB 442
Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure; Policy & Budget Council

The bill provides for an optional two year motor vehicle registration period for motorcycles, passenger cars, trucks, mobile homes, and vessels. The bill restructures the five-year license plate replacement cycle to six years, and increases the license plate replacement fee from \$10 to \$12.

The bill will minimize the citizens' burden of annually renewing registrations and the convenience and time savings to Floridians who choose to take advantage of this biennial registration could be considerable.

The bi-annual renewal of registrations will result in an increase in the first year of the two year cycle and there would be a corresponding decrease in revenues the second year. Since the number of persons choosing a two year registration period is unknown the bill's impact to state and local revenues is indeterminate. However, the fiscal impact of the bi-annual renewal is expected to be revenue neutral.

Implementation of change in the tag replacement cycle will most likely result in an increase in revenues. The additional \$2 fee, during a full year implementation, will increase revenues by over \$13 million. Once the entire population has been converted to the six-year tag, additional revenues will be in excess of \$6 million.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2008.

CS/CS/HB 359 – Motor Vehicle Financial Responsibility
By Policy & Budget Council; Economic Expansion & Infrastructure Council;
Kriseman and others
Tied Bills: None
Iden./Sim Bills: CS/CS/SB 846
Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure; Policy & Budget Council

CS/CS/HB 359 creates a new section of statute entitled, "Financial responsibility for bodily injury or death." The bill requires proof of increased financial responsibility for motor vehicle owners or operators who have been found guilty of DUI after October 1, 2007. The bill also requires the driver to have proof of the increased coverage in their possession at all times when operating a motor vehicle.

Under Florida law, motorists are required to purchase personal injury protection (PIP) and property damage (PD) liability coverage. The no-fault coverage, referred to as PIP, provides \$10,000 of coverage. Current law also requires vehicle owners to obtain

\$10,000 in PD liability coverage which pays for the physical damage expenses caused by the insured to third parties in the accident. Additionally, under Florida's Financial Responsibility law, motorists must provide proof of ability to pay monetary damages for bodily injury (BI) and PD liability after motor vehicle accidents or serious traffic violations.

Current law requires a person who leases a motor vehicle for one year or longer to obtain insurance containing limits not less than \$100,000/\$300,000 BI liability and \$50,000 PD liability.

CS/CS/HB 359 requires two separate limits of liability insurance, depending on the motorist's type of offense. The current law with limits of \$10,000/\$20,000/\$10,000 continues to apply to motorists who are involved in serious traffic violations. The bill increases the limits to \$100,000/\$300,000/\$50,000 whenever a revocation is applied on a person's driver's license for driving under the influence (DUI).

The bill indicates that the revised higher limits apply to any owner or operator who has been found guilty of a charge of DUI after October 1, 2007. The Department of Highway Safety and Motor Vehicles (Department) estimates that there are 45,000 new DUI convictions each year. Such higher limits must be carried for a minimum of three years. If the person is not convicted of a DUI or a felony traffic offense during the three year period, they may return to the standard coverage requirements.

The bill requires law enforcement officers to verify proof of insurance and to verify that a driver carries the right type of coverage based on the violation the person has committed. Violation of this provision is a nonmoving traffic violation. If the violator provides the necessary proof before the court date, the fine and court appearance may be waived. Failure to furnish proof results in suspension of the registration and driver's license of the person until such proof is furnished.

The bill requires tax collector employees to verify that BI insurance has been purchased by a person required to do so at the time the person applies for a vehicle registration or registration renewal.

The bill increases the driver's license reinstatement fee for violation of the required increased liability insurance from \$15 to \$150 for a first reinstatement of a driver's license, \$250 for a second reinstatement, or \$500 for each subsequent reinstatement during the three years following the first reinstatement.

The bill prohibits an insurer from denying an application, imposing a surcharge on, or increasing the premium rate for an automobile liability policy solely on the basis that the applicant is a volunteer driver. A volunteer driver is defined as a person who provides services, including transporting individuals or goods, without compensation in excess of expenses to a private nonprofit agency or a charitable organization.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**CS/CS/CS/SB 506 – Tampa Bay Area Regional Transportation
By Transportation and Economic Development Appropriations; Governmental
Operations; Transportation; Fasano and others
Tied Bills: None**

Iden./Sim Bills: CS/CS/HB 251

Committee(s) of Reference: Transportation; Community Affairs; Governmental Operations; Transportation and Economic Development Appropriations

The bill creates the Bay Area Regional Transportation Authority comprised of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, and Sarasota counties. The Authority is established to improve mobility and expand multi-modal transportation options for passengers and freight within the seven-county region.

The bill specifies the composition and various powers and duties that are granted and assigned to the authority, including authorization to issue bonds and to secure payment of such bonds by a pledge of any or all of its revenues. The bill authorizes the Authority to enter into contractual agreements with various entities within the seven-county Bay Area Region. The bill:

- Provides that the governing board shall be composed of fifteen voting members and one non-voting, ex-officio member;
- Directs the board to establish a Citizen's Advisory Committee comprised of 16 members from each county and transit provider within the seven-county region; and a Transit Management Committee comprised of the executive directors or general managers (or their designees) from each of the existing transit providers within the seven-county region;
- Directs the Authority to adopt a conflict resolution process by July 1, 2008. The RTA, working with its member local governments will adopt a mandatory conflict resolution process that addresses consistency conflicts between the RTA regional transportation master plan and local government comprehensive plans;
- Does not repeal, rescind, or modify any existing laws related to the State Board of Administration; the Department of Transportation; the Tampa-Hillsborough County Expressway Authority; or the Division of Bond Finance;
- Does not preclude the Department of Transportation from developing and producing projects in its five-year work program, which are on the state highway system in the same geographical area as the Bay Area Regional Transportation Authority; and
- The bill also requires the Authority to coordinate plans and projects with the West Central Florida Metropolitan Planning Organization Chairs' Coordinating Committee and participate in the regional Metropolitan Planning Organization's planning process to ensure regional comprehension of the Authority's mission, goals, and objectives.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 606 – S. Fla. Reg. Transportation Auth.

By Finance and Tax; Geller

Tied Bills: None

Iden./Sim Bills: HB 959

Committee(s) of Reference: Transportation; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations

The bill revises the South Florida Regional Transportation Authority (SFRTA) Act. The SFRTA was created in 2003 to broaden the scope of the old Tri-County Commuter Rail Authority (Tri-Rail) and to develop regional public-transit planning for Miami-Dade, Broward and Palm Beach counties. Specifically, the bill:

- Deletes references to “commuter rail” to reflect the authority’s broader transit mission;
- Allows the SFRTA to issue, reissue, or redeem bonds as necessary to fund the purposes of the SFRTA. Specifies that these bonds may not pledge the full faith and credit of the state;
- Clarifies the requirement that each of the three counties dedicate and transfer \$2.67 million annually to the Authority for capital funding, as well as increases funding from \$1.565 million to \$4.3 million annually from each county for operating costs. This funding must be provided to the Authority prior to October 31 of each fiscal year;
- Deletes the provision allowing the three counties to collect a \$2 fee on initial and renewal vehicle registrations within their boundaries upon approval by referendum;
- Specifies that at least \$45 million of a state-authorized, local-option, recurring funding source available to Broward, Miami-Dade and Palm Beach counties may be directed to the Authority to fund capital, operating, and maintenance expenses if all three counties identify this recurring revenue source;
- Eliminates the operating and capital funding contributions from the three counties if the proposed \$45 million dedicated revenue source becomes available. However, those local contributions would resume if the new funding ceases; and
- Extends from December 31, 2009, to December 31, 2015, the date on which the local capital funding for the Authority ceases if no federal matching funds have been received.

The SFRTA will receive an additional \$8.2 million in operating funds each year because of the increase in the current operating contributions made by the three counties, from \$1.565 million annually to \$4.3 million.

In addition, Broward, Miami-Dade, and Palm Beach counties may choose to impose a state authorized local option tax and identify this as a dedicated revenue source of which at least \$45 million a year would be directed to the SFRTA for all of its expenses. If that occurs, the existing dedicated sources of funding the three counties contribute to the Authority would be eliminated.

The bill allows for additional local funding to be transferred to the SFRTA for its use in improving and promoting public transit in the three-county region.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 615 – Motor Vehicle Registration

By Economic Expansion & Infrastructure Council; Nehr

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 482

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

This bill requires the Department of Highway Safety and Motor Vehicles to include a check-off for a voluntary \$1 contribution to the Children's Hearing Help Fund on each motor vehicle registration and renewal form. The Children's Hearing Help Fund is a special trust fund established by the Sertoma Speech and Hearing Foundation of Florida, Inc. The organization completed the statutory requirements authorizing it to pursue this legislative enactment of the voluntary contribution check-off.

The bill also adds a provision to revise an existing voluntary contribution to the Florida Heart Research Institute, to clarify that the \$1 contribution will be used to stop heart disease.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/HB 707 – Lights on Motor Vehicles

By Economic Expansion & Infrastructure Council; Taylor and others

Tied Bills: None

Iden./Sim Bills: SB 1780

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

The bill enables those vehicles "owned or leased by private security agencies" to display green and amber lights while the security personnel are engaged in security duties on private or public property and specifies that either color may be no greater than 50 percent of the lights displayed.

The bill allows a broader range of security providers to display green and amber lights by permitting "vehicles owned or leased by private security agencies" to do so and allows security vehicles to display the green and amber lights over an increased area, by allowing the lighted vehicles on "private or public property".

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 815 – Motor Vehicle Dealers

By Economic Expansion & Infrastructure Council; McKeel

Tied Bills: None

Iden./Sim Bills: CS/SB 1722

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

Current Florida law provides for the licensing of motor vehicle dealers and motor vehicle

manufacturers, distributors, and importers, and also regulates numerous components of the franchise contracts they enter into to conduct business in the state of Florida.

CS/HB 815 makes a number of changes to existing statutes regulating the relationship between automobile manufacturers and franchised motor vehicle dealers. The bill addresses charge-back requirements, adding additional franchises, and a cure period requirement for alleged franchise agreement breaches. The general impact of the bill is to raise the level of protection for franchised motor vehicle dealers.

Requirements Related to Charge-Backs

Each franchised motor vehicle dealer is required to maintain an “open account” with the manufacturer with which it has entered into a franchise agreement. The purpose of the open account is to facilitate billing and accounting between parties. The account is a running series of debits and credits for purchases, rebates, reimbursements, etc. between the manufacturer and the dealer. No provision in Florida Statute currently requires manufacturers to permit a dealer to respond to alleged improper claims.

The bill addresses the following:

- Specifies that the motor vehicle manufacturer may not charge a motor vehicle dealer back subsequent to the payment of a warranty or incentive claim unless a representative of the manufacturer has met in person, by telephone, or by videoconference with a representative of the dealer and provided:
 - o a detailed explanation of each of the charge-backs with supporting documentation, and
 - o a written statement containing the basis upon which the dealer was selected for the audit or review.
- Provides the dealer no less than 45 days after the meeting to explain the dealer's position relating to each of the charge-backs.
- Prohibits the manufacturer from changing or altering the basis for each of the proposed charge-backs as presented to the dealer following the conclusion of the audit, unless the manufacturer receives new information affecting the basis for the charge-backs.
- If the manufacturer claims the existence of new information, the dealer is provided the same right to a meeting and right to respond as when the charge-back was originally presented.

Right to Add Additional Franchises

Often motor vehicle manufacturers include in their franchise agreement with a motor vehicle dealer a prohibition against the addition of any other line-make of vehicle to the dealer's facility.

The bill prohibits the motor vehicle manufacturer from refusing to allow, limiting, or restricting a dealer from acquiring or adding a sales or service operation for another line-make of motor vehicles to their same or expanded facility. The bill provides an exception to this provision if the manufacturer is able to demonstrate that their refusal to allow another line-make is justified by consideration of reasonable facility and financial requirements and the dealer's performance for the existing line-make.

180 Day Cure Period

Currently, if a dealer falls below its sales or service obligations as required under its franchise agreement, the dealer may be subject to termination by the manufacturer. However, it is often possible for the dealer to take actions which would correct the alleged sales or service deficiencies. Current law does not provide a period of time for a dealer to take corrective action prior to being subject to termination.

The bill adds to the current statutory definition of an “unfair discontinuation, cancellation, or non-renewal of a franchise agreement”. If a motor vehicle dealer is not given 180 days notice to cure the alleged breach of the franchise agreement when the breach relates to the dealer’s sales or service, the discontinuation, cancellation, or non-renewal of the agreement is considered unfair.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/CS/HB 985 – Transportation and Infrastructure

**By Policy & Budget Council; Economic Expansion & Infrastructure Council;
Glorioso and others**

Tied Bills: None

**Iden./Sim Bills: CS/CS/CS/SB 1928; includes parts of HB 7033; HB 7075; HB 7091;
HB 7121; HB 7203; CS/SB 914; CS/SB 1134; CS/SB 1454; SB 1562; SB 2132; SB
2278; SB 2784; CS/CS/CS/CS/SB 2804; SB 2880**

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure; Policy & Budget Council**

CS/CS/HB 985 is an omnibus bill that addresses a variety of transportation financing, planning, and administrative issues. Among its key provisions, the legislation addresses:

- Public-Private Partnerships;
- Metropolitan Planning Organizations;
- Local Governments;
- Tolling Issues;
- Expressway and Transportation Authorities; and
- Other Transportation Issues

Public Private Partnerships

The bill provides for the implementation of Public-Private Partnerships to strengthen the state’s transportation system by providing the Department of Transportation (DOT) with innovative financing techniques including public-private partnerships and leasing existing toll facilities. The bill makes the following changes:

- Revises current application fees for proposals submitted under this section to be required only for unsolicited proposals;
- Requires that agreements for leasing existing toll facilities must be approved by the Legislative Budget Commission;
- Allows DOT to enter into Public-Private Partnership agreements to develop new toll roads or to increase capacity;

- Requires that DOT submit a summary of Public-Private Partnership projects as a part of the Tentative Work Program annual submittal to the Legislature and Governor's office;
- Requires minimum operation and maintenance standards for toll facilities included in Public-Private Partnerships;
- Provides for regulation of toll rates and revenue sharing as part of the negotiated agreement;
- Requires an investment grade traffic and revenue study, a finance plan, and a cash-flow analysis;
- Exempts Public-Private Partnerships from traditional contracting requirements included in chapter 311, F.S. However, these agreements must specify the qualification of firms and the contracting requirements through the procurement process;
- Extends the advertisement period from 60 days to 120 days for interested parties to submit a competitive bid in response to DOT's receipt of unsolicited proposals;
- Requires that Public-Private Partnership agreements include a balanced security package;
- Requires the private entity and DOT to perform a cost-benefit, value-for money analysis showing the cost effectiveness and public benefit of proposed projects;
- Authorizes availability payments by DOT on an annual basis as part of a project finance plan;
- Provides project selection and prioritization processes for specific roadways associated with DOT's work program;
- Establishes contract term limits for Public-Private Partnership agreements of 50 years, or 75 years with the DOT Secretary's written findings and approval. Over 75 years requires legislative approval and specifies that any leased facility would be owned by DOT at the end of the term of the agreement;
- Establishes maximum annual obligation of state and federal funds to Public-Private Partnership contracts of 15 percent of funding for any given year; and
- Applies indexing toll rates to all DOT owned toll facilities, including the Turnpike system.

Metropolitan Planning Organizations (MPO) and Florida Transportation Commission (FTC)

The bill clarifies Metropolitan Planning Organizations are separate and distinct legal entities, provides autonomy to MPOs by requiring independent staff and granting specific powers and authority, and provides MPO staff eligibility to participate in the Florida Retirement System (FRS). In addition, the bill:

- Allows MPOs to establish travel, per diem, subsistence and mileage rates in excess of statutory maximums for non-state travelers;
- Adds MPOs to the list of "local agency employers" and "local government entities" for the purpose of ensuring their eligibility to participate in the Florida Retirement System. Also allows employees to claim past service for this purpose;
- Adds the MPO Executive Director or staff director to the list of public employees included in the Senior Management Service class;

- Clarifies that voting members shall exclude constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials;
- Directs MPO's to appoint nonvoting representatives of various multi-modal organizations, who are not otherwise represented by voting members;
- Requires each MPO to provide training on the urbanized transportation planning process to all who serve as members;
- Provides for a roll-call vote, or a hand-counted vote of a majority of the membership present to adopt each long range transportation plan amendment affecting projects in the first three years of such plans; and
- Establishes officers and clarifies eligibility of certain elected officials to serve on the MPO.

Local Governments

The bill increases local governments' flexibility to fund and finance transportation infrastructure and expands their regulatory authority in several transportation related activities. Specifically the bill:

- Deletes the prohibition for local governments to issue bonds only once a year on gas tax and infrastructure tax revenues;
- Raises the dollar thresholds on county road projects that trigger the need to open the project to competitive bids. Increases the threshold for certain road construction and maintenance by counties which are exempt from competitive-bid requirement from \$250,000 to \$400,000;
- Provides Transportation Concurrency Incentives;
- Authorizes local governments to regulate wall murals;
- Allows Federal Transit funds to provide local match for Transportation Regional Incentive Program projects;
- Allows local governments to create Transportation Concurrency Backlog Authorities to adopt plans to eliminate backlogs funded by Tax Increment Financing;
- Allows counties to permit the daytime use of All Terrain Vehicles on selected unpaved roads within the county;
- Authorizes a study to evaluate the benefits and barriers of regional multi-modal transportation concurrency districts; and
- Allows plan amendments to the local comprehensive plans concerning the integration of a port master plan.

Tolling

The bill also provides DOT with additional authority to maintain and improve the state's toll facilities and the use of electronic toll collection cards; and provides for an efficient means of toll collections related to toll violations. In this regard, the bill:

- Expands the use of electronic tolling cards to agreements with private and public entities to allow toll road customers to use electronic tolling for paid parking;
- Provides for reporting, penalties and payments related to tolling citations;
- Revises the disposition for citations issued for tolling violations;
- Requires 60 day driver's license suspension for motorists with 10 violations;

- Establishes vehicle license placement and display requirements and specifies the illegality of obscuring license plates with any substance. Provides for citations to be issued to offenders;
- Establishes penalties for motorists who do not pay required tolls. Provides the offender with options for paying the required fines; and
- Extends the sunset for distribution of certain toll revenues, 90% to Broward, Palm Beach and Miami-Dade counties from July 1, 2007 to July 1, 2017. (s. 338.231(4), F.S.)

Expressway and Transportation Authorities

The bill revises the administration, membership, and reporting requirements of several transportation authorities and clarifies their purpose and powers; revises guidelines for the Orange-Osceola County Expressway Authority (OOCEA) with regard to its contracting requirements; and requires the Florida Transportation Commission (FTC) to monitor the efficiency, productivity, and management of regional transportation and transit authorities and expressway and bridge authorities. The bill:

- Prohibits the Northwest Florida Transportation Corridor Authority from appointing any person who holds a position as an elected official. Allows existing elected officials to remain and be reappointed and requires the authority to plan for a study related to the bridges spanning certain bays and sounds and access roads to these facilities;
- Revises provisions for officers and employees of the Jacksonville Transportation Authority and provides for the adoption of rules by the Jacksonville Transportation Authority for certain purposes;
- Clarifies that any expressway authority, and not just those created pursuant to Part I of chapter 348, F.S., can participate in the public-private partnerships, including those that lease existing toll facilities;
- Increases the financial disclosure requirements of the expressway authorities;
- Increases the contract threshold for a performance-bond waiver, for the OOCEA contractors only, to \$500,000 for these micro-contracts;
- Limits participation in the program to independent businesses principally headquartered in the Orange County Standard Metropolitan Statistical Area and employing a maximum of 25 persons. Eligible businesses also must have gross annual construction sales averaging \$3 million or less over the previous three calendar years; and be accepted into OOCEA's economic-development program;
- Requires the OOCEA to prepare a biennial report for submission to the Orange County Legislative delegation. The initial report will due on December 31, 2010; and
- Requires the FTC, as part of its primary functions, to monitor the efficiency, productivity, and management of regional transportation and transit authorities and expressway and bridge authorities. Requires the FTC must conduct periodic reviews of each transportation and expressway authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles. The bill also provides that the FTC and its members are prohibited from entering into the day-to-day operation of any of the monitored authorities.

Other Transportation Issues

A number of other transportation issues are included in the bill which provides the state with additional flexibility and programs to accomplish needs related to contracting, bonding, productivity, construction material availability, and law enforcement support through efficient and beneficial methods. The bill:

- Revises matching rates for fixed-guideway transit projects from a 50/50 state/local match rate to allow the state to match up to 50 percent of the project costs;
- Requires the DOT to expand the general advertising of projects for bid;
- Allows the DOT to waive surety bond requirements on projects \$250,000 or less;
- Allows the DOT to waive contractor pre-qualification to bid requirements on projects \$500,000 or less;
- Allows the DOT to accept multi-year surety bonds for multi-year maintenance contracts;
- Allows the DOT to waive surety bond requirements on projects \$250 million or more;
- Increases the maximum dollar amount of bonds issued for Turnpike projects from \$4.5 billion to \$10.0 billion;
- Exempts the Turnpike and its vendors from commercial rental tax;
- Establishes the Strategic Aggregates Review Task Force. Provides for membership, staffing, reporting, and expiration. Requires state agencies to consider the effect of decision-making on the availability of construction aggregate materials. Includes limitations on local governments' mining moratorium and language permitting DOT to contract for future mineral rights;
- Requires recipients of transit block grants to annually identify system improvements that would increase profitability;
- Requires a \$3 surcharge for certain criminal offenses and non-criminal traffic violation to provide funding for the state's law enforcement radio systems;
- Strengthens prohibitions related to engaging in the business of selling motor vehicles to the public without a license;
- Creates the Enhanced Bridge Program to authorize use of transportation funds for the purpose of improving the sufficiency rating of local bridges and to improve congested roads on the State Highway System or local corridors on which high-cost bridges are located in order to improve a corridor or provide an alternative corridor;
- Requires that nonprofit youth organizations that contract with the Department of Transportation (department) for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifies criteria for the department to consider in awarding contracts to such organizations; requires that the nonprofit youth organizations submit certain reports and audits to the department and demonstrate participation in a peer assessment or review process; and
- Encourages DOT and permits the use of transportation funds for the purpose of maintaining and constructing noise walls as requested by the proper authorities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1003 – Law Enforcement Vehicles**By Economic Expansion & Infrastructure Council; Pickens and others****Tied Bills: None****Iden./Sim Bills: CS/SB 1676****Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

The bill allows the use of all-terrain vehicles, golf carts, low-speed vehicles, or utility vehicles by law enforcement agencies. It specifies that the vehicles must be clearly marked as law enforcement and may be equipped with certain equipment authorized for use on law enforcement vehicles. The operators and passengers of such vehicles must wear required safety gear.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1206 – Warranty Responsibility/MV Dealers**By Commerce; Atwater****Tied Bills: None****Iden./Sim Bills: CS/HB 1225****Committee(s) of Reference: Transportation; Commerce**

According to current law, manufacturers are required to provide reasonable compensation to dealers for "work" performed in rectifying warranty defects by way of reasonable compensation. The standard for reasonable compensation requires that the compensation by the manufacturer be no less than the amount charged by the dealer for like "work" for nonwarranty "repairs and service."

CS/SB 1206 requires manufacturers to compensate dealers for work, "including labor and parts," to rectify warranty defects.

Specifically, the bill provides that the reasonable compensation by the manufacturer must be equal to the amount charged by the dealer for like work for nonwarranty repairs or service, including labor and parts. For a manufacturer to contest the amount of a dealer's charges for labor and parts, the manufacturer is required to demonstrate that the dealer's retail charges are improper in a proceeding before the Department of Highway Safety and Motor Vehicles.

The bill also prohibits a manufacturer from recovering any of its costs for compensating a dealer for warranty work, including labor and parts, by imposing a charge or surcharge to the wholesale price paid by the dealer for any product, such as the vehicle and vehicle parts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1375 – Affordable Housing

By Economic Expansion & Infrastructure Council; Davis, M. and others

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 780; HB 625; SB 1626; HB 7203; CS/SB 800; SB 2292

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

The bill contains a number of provisions intended to further incentivize and encourage the provision of affordable housing.

The bill revises elements of local government comprehensive plans relating to housing by authorizing the inclusion of adequate sites for affordable workforce housing in the housing element and transportation concurrency exceptions for certain workforce housing in close proximity to employment centers. In addition, the bill requires certain counties to adopt a plan for ensuring affordable workforce housing by July 1, 2008, at a minimum identifying adequate sites for such housing. A penalty is provided for local governments who do not comply. Local governments are authorized to identify in their comprehensive plans the types of housing development and conditions under which they will expedite consideration of amendments consistent with identified affordable housing incentive strategies.

The bill provides that a specified prohibition on the adoption of plan amendments until the evaluation and appraisal report (EAR) update amendments have been adopted and transmitted does not apply to a proposed plan amendment in certain cases. Such prohibition does not apply to a proposed plan amendment adopted by a local government in order to integrate a port master plan with the coastal management plan element of the local comprehensive plan, if the port master plan or proposed plan amendment does not cause or contribute to the local government's failure to comply with the EAR requirements.

The bill authorizes a board of county commissioners or the governing authority of a municipality to adopt an ordinance to allow for ad valorem tax or non-ad valorem assessment deferrals on affordable rental housing property. The bill provides for a deferral application process, creates an appeals process when deferral is denied, and provides for a process in the case of a change in use or ownership of property. In addition, the bill requires the tax collector to notify each local governing body of the amount of ad valorem taxes and non-ad valorem assessments deferred which would have otherwise been collected.

The bill provides for a transfer of specified property from the Board of Trustees of the Internal Improvement Trust Fund to Miami-Dade County for the purpose of providing workforce housing. Employees of the Miami-Dade State Attorney and the Miami-Dade Public Defender who apply for and meet the income qualifications shall receive preference for this housing.

The bill provides that in recognition of the 2007 real estate market conditions, all phase, build out, and expiration dates for projects that are developments-of-regional-impact (DRI) and under active construction on July 1, 2007, are extended for three years. Such extension is not a substantial deviation, not subject to further DRI review, and not to be considered when determining whether a subsequent extension is a substantial deviation.

The bill modifies the guidelines and standards used to determine if a hotel or motel development is a DRI in more populated counties. As a result, fewer hotel or motel developments will be identified as a DRI and will not have to undergo regional and statewide review under the DRI program.

The bill allows local governments to amend the development order for approved DRIs that have requirements to sell housing for certain incomes to allow for sale to a person who earns less than 120 percent of the area median income without going through a substantial deviation review under certain conditions. The amended development order is sent to the Department of Community Affairs (DCA) and DCA may appeal if the agency believes the change creates additional regional impacts.

The bill contains clarifying provisions to address issues related to the transfer of assets/liabilities and rights and responsibilities from the former Florida Housing Finance Agency formerly within DCA to the Florida Housing Finance Corporation.

The bill requires that, as a condition of financing a multifamily affordable rental project, an agreement must be recorded in the official public records of the county where the property is located. Such agreements are state land use regulations that limit the highest and best use of property for ad valorem taxing purposes.

The bill allows the corporation to partially forgive certain loans for projects where a dedicated number of units provide housing for elderly persons with extremely-low-incomes and adjusts the cap on predevelopment loans for affordable housing projects to the lesser of the development and acquisition costs for the project, or \$750,000.

Revisions are made regarding the selection of projects funded under the Community Workforce Housing Innovation Pilot Program (CWHIP), and the expedited processing of development orders and development permits for innovative community workforce housing projects is required. Additionally, the annual reporting requirements relating to the success of CWHIP are to be included in the annual reports submitted by the corporation and are to address the success of CWHIP in meeting the housing needs of the eligible areas.

The bill includes a provision to exempt from taxation all notes, mortgages, security agreements, letters of credit, or other instruments that arise out of, or are given to secure, the repayment of loans issued in connection with the financing of any housing project under s. 420.513, F.S., regardless of the status of any party thereto as a private party.

The bill provides additional opportunities for partnerships in affordable housing by strengthening the role of local affordable housing advisory committees. It revises affordable housing committees by increasing their membership and providing specified duties of the committee.

The bill authorizes certain public housing authorities to create a self-insurance fund and exempts such authorities from certain assessments.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**CS/HB 1491 – Community Development Districts
By Economic Expansion & Infrastructure Council; Attkisson**

Tied Bills: None

Iden./Sim Bills: CS/SB 2700

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Infrastructure**

Chapter 190, F.S., Community Development Districts, sets forth the uniform procedures for the establishment and operation of a particular type of independent special district, the community development district (CDD), which serves as an alternative method to manage and finance basic services for community development.

The bill revises a number of provisions governing community development districts.

The bill provides for establishment of CDDs across county lines by striking existing language that stated that the boundaries of the CDD were to be contained wholly within a single county. In addition, the bill revises definitions to allow for CDDs to finance and make the “fair share or concurrency obligations”, in addition to payments, contributions, dedications, and any other exactions required as a condition to receive any governmental approval or permit necessary to accomplish any district purpose. The bill explicitly includes “curbs and gutters” within the definition of water management and control facilities and “hydrants” and “chilled water distribution systems” within the definition of water system.

The bill provides clarification related to petition and filing fee requirements for the establishment of districts and provides requirements for the establishment of districts located in multiple municipalities. In addition, the bill provides that, irrespective of size, if the proposed CDD is located within the territorial jurisdiction of two or more municipalities, the petition is to be filed with the Florida Land and Water Adjudicatory Commission.

The bill revises provisions for determining certain voting units (one vote per one acre) for landowners within a district, to provide that platted lots are to be counted individually and rounded up to the nearest whole acre and that the acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner’s proxy. The bill provides procedures for filling district board vacancies, and authorizes the board to appoint qualified electors to the board under certain circumstances.

Effective October 1, 2007, the bill modifies current conflict of interest language for CDDs to ensure it is not a conflict of interest for a board member, district manager, or another employee of the district to be employed by the landowner or an entity affiliated with a landowner.

The bill revises timeframes and requirements for the preparation of proposed district budgets. In particular, the bill moves the CDD budget time frame up one month from July 15 to June 15 to make it easier to comply with the notice requirements for the Truth In Millage (TRIM) notice, and requires that the estimate of income to the district also include “other revenues,” in addition to taxes and assessments. A CDD is required to file its disclosure of public financing documents (including any amendments) in the property records of each county where the district is located.

The bill revises the special powers of a CDD to allow for the financing or construction of:

- Roads and improvements to existing roads which are owned by or will be conveyed to a local general-purpose government, or the state or federal government;
- Alleys, landscaping, and hardscaping (i.e., entry feature);
- Utility lines placed underground by the local retail electric utility provider in accordance with the utility's tariff on file with the Public Service Commission; and
- Any other project, facility, or service, including school site improvements, within the district's boundaries that is required by a governmental authority with jurisdiction to issue a development approval, zoning condition, or a permit for land within the CDD.

The bill also allows a CDD to enforce deed restrictions pertaining to property outside the district pursuant to an interlocal agreement.

The bill provides that non-ad valorem assessments levied to pay interest on bond anticipation notes are not an installment of assessments and, thus, would not be held to the 30 year limit. It provides that notice of the proposed amount of the assessment pursuant to s. 200.069, F.S., related to notice of proposed property taxes and non-ad valorem assessments, that includes the date and time of the hearing can be used instead of additional notice required by other provisions of Ch. 197, F.S.

The bill provides that special assessments authorized under Ch. 170, F.S., which relates to local municipal improvements, in addition to CDD special assessments, constitute liens and are subject to certain collection procedures.

The bill provides that foreclosure proceedings currently authorized under Ch. 170, F.S., for local municipal improvements, apply to certain district proceedings.

The bill provides for competitive solicitation, and authorizes the district to proceed with purchasing if no responses are received when requests for proposals, qualifications, or other competitive solicitations are used.

Finally, the bill specifies the determination of population standards by the DCA for the purposes of incorporation or annexation of districts; and requires unincorporated areas to meet certain criteria for incorporation and certain referenda to be held at general elections.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007, unless otherwise provided.

CS/CS/SB 1630 – U.S. Marine Corps License Plate/Fee

By Governmental Operations; Military Affairs and Domestic Security, Hill and others

Tied Bills: None

Iden./Sim Bills: CS/HB 935

Committee(s) of Reference: Military Affairs and Domestic Security; Governmental Operations; Health and Human Services Appropriations; Rules (W/D)

The bill revises the authorized allocation of the annual use fee collected from the sale and renewal of the Marine Corps license plate. Currently, the first \$50,000 collected annually is deposited into the State Homes for Veterans Trust Fund, and the remaining money is distributed to the Marine Corps Scholarship Foundation, Inc. The bill would revise current law by directing the first \$50,000 to be distributed to the Marine Corps Scholarship Foundation, Inc. The remaining fees would be distributed as follows: 35 percent would be deposited in the State Homes for Veterans Trust Fund, and 65 percent would be distributed to the Marine Corps Scholarship Foundation, Inc.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1900 – Specialty License Plates

By Transportation; Baker and others

Tied Bills: None

Iden./Sim Bills: HB 649; HB 859; HB 903; HB 973; CS/SB 975; SB 1986; SB 2042; SB 2046; CS/CS/SB 2052; SB 2590; SB 2592; includes parts of HB 7119; CS/HB 7173; CS/CS/CS/SB 1980

Committee(s) of Reference: Transportation; Transportation and Economic Development Appropriations

CS/SB 1900 creates five new specialty license plates. They are as follows:

- The "Support Our Troops" specialty license plate will have an annual use fee of \$25. The annual use fee will be distributed to Support Our Troops, Inc. to be used for the benefit of Florida troops and their families and also to the Department of Veterans Affairs State Homes for Veterans Trust Fund.
- The "Florida NASCAR" specialty license plate will have an annual use fee of \$25. A portion of the annual use fee will be distributed to the Florida Sports Foundation to be used for their regional grant program attracting sporting events to Florida. Another portion of the annual use fee will also be distributed to the NASCAR Foundation to support Florida-based charitable organizations.
- The "Protect Florida Springs" specialty license plate will have an annual use fee of \$25. The annual use fee will be distributed to the Wildlife Foundation of Florida, Inc. The fees will be used for education programs, conservation, springs research, and competitive grants.
- The "Trees Are Cool" specialty license plate will have an annual use fee of \$25. The annual use fee will be distributed to the Florida Chapter of the International Society of Arboriculture, Inc. to be used to for funding programs that promote statewide education and training with respect to tree care and safety.
- The "Corrections Foundation" specialty license plate will have an annual use fee of \$25. The annual use fee will be distributed to the Corrections Foundation, Inc. to be used to continue and expand the charitable work of the foundation.

The bill also creates the "Gold Star" military license plate. It will be issued to honor family members of service members who have been killed while serving in the Armed Forces of the United States. The service members must have been a bona fide resident of the State of Florida for 1 year immediately preceding the service member's death.

The bill also amends current statutory language for the following specialty license plates:

- Increases the annual use fee for the Sea Turtle plate from \$17.50 to \$23.
- Deletes language regarding the Girl Scout plate which has been discontinued.
- Increases the annual use for the Florida Sheriffs Youth Ranch plate from \$20 to \$25.
- Allows for up to 10 percent of the annual use fee from the Florida Education license plates to be used for promotion and marketing of the Florida Educational plate.
- Allows for up to 25 percent of the annual use fee from the Florida Agriculture license plate to be used for promotion, marketing, and administrative costs along with classroom projects.
- Allows for future annual use fees from the Florida Wildflower specialty license plate to be distributed to the Florida Wildflower Foundation, Inc.
- Provides language that fees from license plates may not be used for the purpose of marketing, lobbying, or rewarding an employee of a governmental agency that sells specialty license plates.

The bill also repeals the \$1.50 administrative processing fee imposed on the issuance of a disabled parking permit.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/CS/SB 2836 – Florida Building Commission

By Transportation and Economic Development Appropriations; Community Affairs; Constantine

Tied Bills: None

Iden./Sim Bills: CS/HB 589

Committee(s) of Reference: Community Affairs; Regulated Industries; Transportation and Economic Development Appropriations

The bill contains provisions related to the Florida Building Commission (commission). In particular, the bill requires the commission to:

- Review requirements in the National Electric Code relating to bonding and grounding systems for swimming pools and to authorize the use of alternative methods for bonding and grounding if appropriate.
- Approve amendments to the Florida Building Code (code) to address changes in federal or state laws.
- Determine and document the following before eliminating gravel or stone roofing systems from the code: if there is a scientific basis or reason for eliminating the systems, if there is an available alternative that is equal in cost and durability to gravel or stone roofing systems, if elimination will unnecessarily restrict or eliminate business or consumer choices in roofing systems, and in consultation with the Fish and Wildlife Conservation Commission, if eliminating the systems will negatively affect the nesting habits of any species of nesting birds. The commission can adopt provisions to preserve the use of such systems in future editions of the code if necessary to address the results determined in regard to the above issues.
- Review modification relating to existing warehouses which have been reviewed by the commission's technical advisory committee. The commission is to take public comment on the modifications, including: the necessity, the effect on the health, safety, and welfare of Florida residents, and the continuing need for any

Florida-specific requirement of the code that the modifications seek to repeal. The commission is authorized to adopt or modify the modifications in response to public comment received subject only to the rule adoption requirements of Ch. 120, F.S.

- Issue formal interpretations of the Florida Building Code upon written application of any substantially affected person, a citizen, contractor, or designer, or a group representing a substantially affected person, citizen, contractor, or designer. This is a clarification of existing law.
- Review the Florida Energy Code for new building construction to evaluate the effectiveness of energy-efficient requirements, and report back to the Legislature by March 1, 2008. The commission is to consult with the Florida Energy Commission, the Building Officials Association of Florida, the Florida Energy Office, the Florida Home Builders Association, the Florida Association of Counties, the Florida League of Cities, and other stakeholders in conducting this review.

The bill amends the private provider statute to streamline the inspection process and address provisions pertaining to the use of private providers of building code inspection services. Also, the bill establishes a process whereby a “deficiency notice” is to be posted when a non-confirming item is found.

The bill implements recommendations of the workgroup reviewing the Product Approval validation process in response to 2005 legislation. Specifically, it provides that the commission may adopt by rule a schedule of penalties to be imposed against approved validation entities that validate product applications in violation of the product approval and evaluation statute or rule.

In addition, the bill creates the Florida Building Code Compliance and Mitigation Program within the Department of Community Affairs (DCA) to replace the Building Education and Outreach Program. Materials and services for the mitigation program will be provided by a private, nonprofit corporation under a four year contract with DCA. An appropriation of \$1 million is provided to implement and administer this provision.

The bill revises requirements relating to certified firesafety inspectors, establishes grounds under which a firesafety inspector’s license may be suspended or revoked, provides for a provisional permit program for inspectors of certain fire systems, and revises continuing education requirements for certificateholders and permitholders.

The bill extends the time frame for a newly employed person or hired person to perform the duties of a plan examiner or building code inspector. This time frame is extended from 90 days to 120 days under certain circumstances and under the authority of the appropriate supervisor.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

Committee on Tourism & Trade

CS/SB 138 – Transportation Facilities/Designations

By Transportation; Bullard and others

Tied Bills: None

Iden./Sim Bills: CS/HB 499; HB 693; HB 1055; HB 1229; SB 208; SB 1302; SB 1566; SB 2296; SB 2738

Committee(s) of Reference: Transportation

CS/SB 138 designates a number of transportation facilities for honorary or memorial purposes, designates a state historic road, and amends a statute to require plants purchased for roadside beautification programs to be acquired from Florida-based nurseryman stock on a competitive bid basis.

CS/SB 138 designates the following transportation facilities:

Duval County

- A portion of State Road 15/115 between Phoenix Avenue and Boulevard Street in Duval County is designated as “Ed Holt Boulevard.”
- A portion of U.S. 1/SR 15/115 between North Myrtle Avenue and Fairfax Street in Duval County is designated as “Moses Baker Boulevard.”
- That portion of Beaver Street between Stockton Street and Edgewood Avenue in Duval County is designated as “C.D. Kinsey Street.”
- A portion of U.S. Highway 1 between Red Poll Avenue and Soutel Drive in Duval County is designated as “Lawrence Callahan Highway.”
- A portion of U.S. Highway 1 between Richardson Road and Soutel Drive in Duval County is designated as “Bernard Wilkes Highway.”
- A portion of Lem Turner Road between Rowe Avenue and I-95 in Duval County is designated as “Sarah Hayes Rice Road.”
- A portion of I-95 Southbound from Dunn Avenue to the I-10 interchange and I-10 Eastbound from Lane Avenue to I-95 in Duval County is designated as the “James Weldon Johnson Memorial Highway.”

Escambia County

- The bridge on I-10/SR 8 that crosses the Escambia Bay in Escambia County is designated as the “David Bogan Bridge.”

Highlands County

- That portion of State Road 70 near U.S. Highway 27 in Highlands County is dedicated to the memory of Highway Patrol Sergeant Nicholas Sottile.

Lake County

- The fountain located in the water retention area bordered by U.S. 441, Old U.S. 441, and State Road 19 in Tavares, Lake County, is designated as the “Sheriff Chris Daniels Memorial Fountain.”

Marion County

- The bridge over the railroad tracks on State Road 441 at N.W. 3rd Street and N.W. 8th Street in the City of Ocala in Marion County is designated as “Judge William T. Swigert Bridge.”

Miami-Dade County

- That portion of State Road 821, the Florida Turnpike Homestead Extension, between exit 16 at S.W. 152nd Street and exit 11 at S.W. 216th Street in Miami-Dade County is designated as the “John F. Cosgrove Highway.”
- A portion of Flagler Avenue between 72nd Avenue and 67th Avenue in Miami-Dade County is designated as the “Arnold M. Velazquez Boulevard.”
- A portion of Coral Way between S.W. 31st and S.W. 25th Avenue in Miami-Dade County as the “Marilyn Culp Way.”
- A portion of Kendall Drive between 107th Avenue and 87th Avenue in Miami-Dade County is designated as the “Dr. Leonard Cherdack Memorial Highway.”
- A portion of Biscayne Boulevard/U.S. 1/State Road 5, between N.E. 54th Street and N.E. 96th Street in Miami-Dade County is designated as the “Athalie Range Boulevard.”
- A portion of U.S. Highway 1 (Biscayne Blvd.) between 135th St. and 151st St., in Miami-Dade County is designated as the “Sigmund Zilber Memorial Highway.”
- The bridge across Memorial Canal on 125th Street near Griffing Boulevard in the City of North Miami in Miami-Dade County is designated as the “Rick Ricciardelli Bridge.”
- That portion of Okeechobee Road, U.S. Highway 27/State Road 25, between W. 12th Street and W. 19th Street in Miami-Dade County is designated as “Raul L. Martinez/Jose Abreu Pass.”
- The bridge over Indian Creek on West 41st Street in the City of Miami Beach in Miami-Dade County is designated as “Robert L. Blum Bridge.”
- A portion of S.W. 12th Avenue between Coral Way and S.W. 8th Street in Miami-Dade County is designated as “Angel Manuel De La Portilla Way.”
- A portion of N.W. 21st Avenue between N.W. 20th Street and N.W. 23rd Street in Miami-Dade County is designated as “Dennis Pastrana Avenue.”
- A portion of 27th Avenue between Coral Way and S.W. 8th Street in Miami-Dade County is designated as “Luis Conte Aguero Way.”
- A portion of LeJeune Road/S.W. 42nd Avenue between S.W. 8th Street and Coral Way in Miami-Dade County is designated as “Estrella Rubio Way.”
- A portion of LeJeune Road/S.W. 42nd Avenue between Flagler Street and S.W. 8th Street in Miami-Dade County is designated as “Rafael Diaz Balart Road.”
- A portion of N. Kendall Drive between S.W. 117th Avenue and S.W. 127th Avenue in Miami-Dade County is designated as “Ambassador Armando Valladares Drive.”
- A portion of N.W. 2nd Terrace between N.W. 37th Avenue and N.W. 38th Court in Miami-Dade County is designated as “Fred Havenick Way.”
- The corner of W. Flagler Street, State Road 968, and Le Jeune Road, State Road 953, in Miami-Dade County is dedicated to the memory of Aristides Sastre.
- A portion of N.W. 7th Street between N.W. 37th Avenue and N.W. 38th Court in Miami-Dade County is designated as “Isadore Hecht Street.”
- That portion of 49th Street within the boundaries of the City of Hialeah in Miami-Dade County is designated as “Mayor Raul L. Martinez Street.”

- That portion of S.W. 8th Street between S.W. 67th Avenue and S.W. 72nd Avenue in Miami-Dade County is designated as “Dr. Vicente Grau-Imperatori Street.”
- That portion of 7th Avenue N.W., between 125th Street and 135th Street in Miami-Dade County is designated as “Victor Hernandez, Sr. Way.”
- CS/SB 138 designates that portion of Brickell Avenue situated within the corporate limits of the City of Miami in Miami-Dade County and lying between S.E. 25th Street and the south shoreline of the Miami River as a state historic road. This designation prohibits the extension of the use of the name “Brickell Avenue” beyond the boundaries provided in law. In addition, although funds can be used for ordinary maintenance of the road, preservation of the road will take precedent over traffic management. Traffic volumes accommodated shall be based on July 1, 2007 volumes.

Okaloosa County

- That bridge, number 570125, on State Road 85, which crosses Boggy Bayou in Okaloosa County, is designated as “William Nathey Bridge.”

Orange County

- The interchange of the Florida Turnpike and State Road 50 West near the Town of Oakland in Orange County is designated as “Senator Richard H. Langley Memorial Interchange.”

Palm Beach County

- The U.S. Hwy. 1 bridge that crosses the Loxahatchee River at the inlet in the City of Jupiter/Tequesta in Palm Beach County is designated as “Carlin White Bridge.”

Polk County

- That portion of U.S. Highway 98/State Road 35/700 in Polk County between Main Street in Bartow and Main Street in Lakeland is designated as “George W. Harris, Jr. Boulevard.”

Santa Rosa County

- A portion of State Road 191 from the intersection of Garcon Point Road and Forsythe Street in the City of Bagdad south to the intersection of Avalon Boulevard/State Road 281 in Santa Rosa County is designated as “Curtis Golden Boulevard.”

Volusia County

- That portion of Interstate 95 between State Road 400 and State Road 600 in Volusia County is designated as “Kevin John Fischer Memorial Highway.”

CS/SB 138 directs the Florida Department of Transportation to erect suitable markers designating the honorary and memorial transportation facilities. The markers will cost an estimated \$400 each. This includes maintenance and installation costs.

CS/SB 138 also amends subsection (26) of section 334.044, Florida Statutes, to require that all plant materials purchased for the conservation of natural roadside growth and scenery and for the implementation and maintenance of roadside beautification

programs must be purchased from Florida-based nurseryman stock on a uniform competitive bid basis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 426 – Ads/False, Deceptive, Misleading
By Judiciary; Saunders and others
Tied Bills: None
Iden./Sim Bills: HB 1049
Committee(s) of Reference: Commerce; Judiciary

CS/SB 426 seeks to protect consumers from imposter musical groups and to protect artists from identity theft. The bill creates s. 817.4115, F.S., to prohibit a person from advertising or conducting a live musical performance by using a false, deceptive, or misleading statement of affiliation, connection or association between a performing group and a recording group.

The bill defines a "performing person or group" as a vocal or instrumental performer using or attempting to use the name of a recording person or group; and a "recording person or group" as a vocal or instrumental performer that has previously produced or released, or both, a commercial recording.

CS/SB 426 provides that the performing person or group needs to have at least one original member of the group, have a federally registered trademark to use the performing person or group's name, or clearly advertise the show as a tribute or a salute.

This bill provides that any person who violates the prohibition commits a second degree misdemeanor and a first degree misdemeanor for subsequent violations. The section authorizes the Department of Legal Affairs or a state attorney to file a civil action for injunctive relief and authorizes a court to impose a civil penalty of up to \$5,000 for each violation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 431 – Tourist-Oriented Directional Sign Program
By Pickens and others
Tied Bills: None
Iden./Sim Bills: SB 882
Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Tourism & Trade

HB 431 provides for the establishment of a tourist-oriented directional sign program in rural counties. The bill creates s. 479.262, F.S., and provides local governments with the authority to adopt this type of program and specifies the criteria for the program if they chose to implement it. This program is at the option of the counties, and does not require implementation. Authority is given to Florida Department of Transportation to adopt rules in conjunction with the program.

To be eligible counties must meet the criteria stated in s. 288.0656, F.S., which defines a “rural community” as a county with a population of 75,000 or less; or a county with a population of 100,000 or less that is a contiguous to a county with a population of 75,000 or less. Currently there are 32 counties that would be eligible for this program. The eligible counties as of February 2007 are as follows: Baker, Bradford, Calhoun, Columbia, Desoto, Dixie, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla, Walton and Washington.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

HB 851 – Historic Preservation

By Proctor and others

Tied Bills: HB 853

Iden./Sim Bills: CS/SB 2404; CS/SB 2406

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Tourism & Trade; Policy & Budget Council**

HB 851 creates s. 267.1735, F.S., transferring the management of 30 historic properties in St. Augustine through contract to the University of Florida. The goals for contracting with the university include ensuring the long-term preservation and interpretation of state-owned historic properties in St. Augustine and facilitating an educational program at the University of Florida that will be responsive to the state’s needs for professionals in historic preservation, archaeology, cultural resource management, cultural tourism, and museum administration.

HB 851 gives authority to the University of Florida to form a direct-support organization (DSO). The purpose of the DSO will be to assist the university in carrying out its historic preservation and education purposes for the St. Augustine properties. The bill specifies that the DSO may raise money, submit requests for and receive grants from the federal government, the state or its political subdivisions, private foundations, and individuals.

The bill provides that upon execution of a contract between the state and the University of Florida, the current lease for the properties to the City of St. Augustine is repealed.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

HB 853 – Pub. Rec./St. Augustine Historic Preservation Donors

By Proctor and others

Tied Bills: HB 851

Iden./Sim Bills: CS/SB 2406; CS/SB 2404

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Tourism & Trade; Policy & Budget Council**

HB 853 creates a public records exemption to allow donors and prospective donors to the direct-support organization (DSO) of the University of Florida who support the educational and historic preservation of state-owned historic properties in St. Augustine to remain anonymous, if they wish. The bill provides that the public records exemption is necessary because the release of information identifying donors will adversely affect the

direct-support organization's ability to further the state goal of maintaining, preserving, promoting and advancing historic preservation of these state owned properties.

The exemption will allow the DSO to administer the promotion, preservation, and public education efforts effectively and efficiently. The public records exemption will automatically repeal on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is upon the effective date of HB 851 or similar legislation.

CS/HB 1305 – Notaries Public

By Economic Expansion & Infrastructure Council; Thompson, N. and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2490

**Committee(s) of Reference: Economic Expansion & Infrastructure Council;
Tourism & Trade**

CS/HB 1305 allows for electronic notarization of documents. The bill requires that provisions (including appointment process, administration of oaths, acknowledgments of deeds, seals, and prohibited acts) that apply to traditional notarization, apply to electronic notarization of documents as well. This bill implements standards for secure electronic notarization in order to receive the same level of credibility and reliability as paper-based notarizations. Authority is given to the Department of State to adopt rules to ensure the security, reliability, and uniformity of signatures and seals authorized.

CS/HB 1305 provides the specifications of the electronic signature of a notary public and requires that it be unique to the notary public, capable of independent verification, retained under the notary public's sole control and attached to or logically associated with the electronic document in a manner that any subsequent alteration to the electronic document displays evidence of the alteration.

CS/HB 1305 also provides that when a signature is required to be accompanied by a notary public seal, the requirement is satisfied when the electronic signature of the notary public contains the full name of the notary public, the words "Notary Public State of Florida," the commission date of expiration and the commission number.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2008.

CS/CS/SB 2038 – Real Property Electronic Recording

By Governmental Operations; Judiciary; King

Tied Bills: None

Iden./Sim Bills: CS/HB 747

**Committee(s) of Reference: Judiciary; Community Affairs; Governmental
Operations**

The bill, titled the Uniform Real Property Electronic Recording Act, starts the process towards electronic recording of real property documents with county recorders. CS/CS/SB 2038 provides county recorders the legal authority to prepare for electronic recording of real property instruments, and authorizes county recorders to begin

accepting records in electronic form, storing electronic records, and setting up systems for searching for and retrieving these land records. The bill equates electronic documents and electronic signatures to original paper documents and manual signatures, so that any requirement for originality (paper document or manual signature) is satisfied by an electronic document and signature.

This bill creates the Electronic Recording Commission. The standards and practices for electronic recording will be promulgated by rule by the Secretary of State after consultation with the commission. The commission will be made up of five members appointed by the Florida Association of Court Clerks and Comptrollers, one attorney appointed by the Florida Bar, two members appointed by the Florida Land Title Association, and one member appointed by the Florida Bankers Association.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 2912 Old Cutler Road/Town of Cutler Bay

By Bullard and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1057

Committee(s) of Reference: Transportation; Community Affairs

SB 2912 amends the original designation legislation to allow alterations to a limited portion of Old Cutler Road in Miami-Dade County. Authority is given for public funds to be used for alterations including the installation of sidewalks, curbing, and landscaping intended to enhance pedestrian access to that portion of the road between S.W. 184th Street and S.W. 216th Street in the Town of Cutler Bay. The Department of State must approve any alteration.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HOUSE OF REPRESENTATIVES

Environment & Natural Resources Council
Representative Stan Mayfield, Chair
Representative Baxter G. Troutman, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Committee on Agribusiness
Representative Denise Grimsley, Chair
Representative Bryan Nelson, Vice Chair

Committee on Conservation & State Lands
Representative Will S. Kendrick, Chair
Representative Faye B. Culp, Vice Chair

Committee on Energy
Representative Bob Allen, Chair
Representative Paige Kreegel, Vice Chair

Committee on Environmental Protection
Representative Trudi K. Williams, Chair
Representative Baxter G. Troutman, Vice Chair

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Environment & Natural Resources Council

CS/CS/HB 197 – Surface Water Protection Programs

By Policy & Budget Council; Environment & Natural Resources Council; Machek and others

Tied Bills: None

Iden./Sim Bills: CS/SB 594

Committee(s) of Reference: Environment & Natural Resources Council; Policy & Budget Council

CS/CS/HB 197 addresses discrepancies between the Northwest Florida's Environmental Resource Permitting (ERP) program and the rest of the state's ERP program. To provide consistency throughout the state's ERP program, the bill:

- Ensures that the variance provisions of s. 403.201, F.S., are applicable to the Northwest Florida ERP program;
- Ensures that state surface water quality standards do not apply within a stormwater management system which is designed, constructed, operated, and maintained for stormwater treatment in accordance with a valid permit or exemption under s. 373.4145, F.S., within the Northwest Florida Water Management District.

The bill removes the requirement for the Northwest Florida Water Management District, the Suwannee River Water Management District, or a financially disadvantaged small local government to provide a 50-percent match of cash or in-kind services towards the implementation of surface water improvement and management (SWIM) projects.

The bill amends s. 373.4595, F.S., to provide that nothing in the section affects the authority of the Department of Environmental Protection (DEP) or the South Florida Water Management District (SFWMD) to adopt basin-specific criteria under Part IV of Chapter 373, F.S., to prevent harm to the water resources of the SFWMD.

The bill eliminates the requirements that the SFWMD, prior to authorizing a discharge into works of the district, require responsible parties to demonstrate that proposed changes in land use will not result in increased phosphorus loading over that of existing land uses.

The bill provides legislative recognition that peat harvesting represents a unique industry which occurs in specific wetlands in the state. It provides DEP rule making authority to oversee peat mining used predominately in the horticultural industry. The bill also repeals s. 403.265, F.S., relating to the permitting of peat mining.

The bill provides clarification as to the specific statutory provisions that govern slope requirements associated with limestone reclamation standards. The bill increases the area for which an operator is exempt from provisions in s. 378.801, F.S., requiring notice of the DEP, from 5 acres to 20 acres, over the life of the mine, at any one site.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 392– Watershed Restoration

By General Government Appropriations; Environmental Preservation and Conservation; Saunders and others

Tied Bills: None

Iden./Sim Bills: HB 7157

Committee(s) of Reference: Environmental Preservation and Conservation; General Government Appropriations

CS/CS/SB 392 changes the Lake Okeechobee Protection Program to the Northern Everglades and Estuaries Protection Program. Legislative findings are revised to: reflect the expansion of the program; economic, natural habitat and biodiversity functions of the system; the effects of loss of surface water storage; the significance of pollutants other than phosphorous to water quality; the use of total maximum daily load requirements to address water quality; and the need to expeditiously implement the program to improve the quality, quantity, timing, and distribution of water in the Northern Everglades ecosystem.

The bill expands the program to include protection of the Lake Okeechobee Watershed and the Caloosahatchee & St. Lucie Rivers Watersheds; provides for the Lake Okeechobee and Caloosahatchee and St. Lucie River Watershed Protection Program, including a Protection Plan, Construction Project, Watershed Pollutant Control Program, and Research, Water Quality, and Habitat Monitoring Program; and provides new or revised definitions for “Caloosahatchee River Watershed,” “Lake Okeechobee Watershed,” “Northern Everglades,” “River Watershed Protection Plans,” and “St. Lucie River Watershed.” The bill provides for implementation and evaluation within the Protection Plans; provides for protection permits; requires the Department of Environmental Protection (DEP) to expedite the development and implementation of total maximum daily loads for the Caloosahatchee River and estuary and to develop basin management action plans for the Lake Okeechobee Watershed and estuaries; and revises requirements relating to the annual progress report of the South Florida Water Management District (SFWMD).

The bill requires the modified Phase II technical plan of the Lake Okeechobee Water Construction Project to be submitted to the Legislature for ratification during the 2008 regular session. The bill requires the River Watershed Protection Plans to be submitted to the Legislature for ratification during the 2009 regular session.

The bill also expands the use of Save Our Everglades Trust Fund appropriations through Fiscal Year 2019-2020 to be used for the Lake Okeechobee Protection Plan and Caloosahatchee and St. Lucie River Watershed Protection Plans. The DEP may reserve a minimum of \$10 million annually, to the extent that funds are available, from the Save Our Everglades Trust Fund for the implementation of the River Watershed Protection Plans within the Northern Everglades. Distribution of funds from the Save Our Everglades Trust Fund for the implementation of the River Watershed Protection Plans must be equally matched by the SFWMD and Lee and Martin Counties by fiscal year 2019-2020 by providing funding or credits toward project components.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1104 – Vessels/Registration Fee**By General Government Appropriations; Alexander****Tied Bills: None****Iden./Sim Bills: None****Committee(s) of Reference: General Government Appropriations**

CS/SB 1104 requires a surcharge of \$2 for each vessel registration in Florida to provide a dedicated revenue source for the derelict vessel grant program in the Fish and Wildlife Conservation Commission. Revenue from the surcharge is estimated to be \$2 million annually and is directed to the Marine Resources Conservation Trust Fund within the commission to support the grant program.

This bill amends ss. 328.72(9) and 376.15(2), F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1376 – Department of the Lottery/Patents**By Regulated Industries; Jones****Tied Bills: None****Iden./Sim Bills: Includes part of CS/HB 1551****Committee(s) of Reference: Regulated Industries; Governmental Operations; General Government Appropriations**

The Department of Lottery (DOL) was delegated authority by the Legislature to hold copyrights, trademarks, and service marks and to enforce its rights thereto when it was created in 1987. CS/HB 1376 amends s. 24.105(10), F.S., granting the DOL the authority to obtain patents as well. The bill requires the DOL to notify the Department of State in writing whenever it secures a patent, just as it must when it secures a copyright or trademark. The bill allows the DOL to receive license fees from any private entity wishing to commercialize an idea patented by the DOL.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1472 – Beach & Shore Preservation**By Environmental Preservation and Conservation; Saunders****Tied Bills: None****Iden./Sim Bills: HB 7175****Committee(s) of Reference: Environmental Preservation and Conservation; General Government Appropriations; Rules (W/D)**

The bill addresses four issues relating the preservation of Florida beaches and shores:

Perpendicular Access to Florida Shoreline

The bill amends s. 161.021, F.S., to expand the definition of "access" or "public access" to include those accessways through private lands that have an already established accessway by prescription, prescriptive easement, or any other legal means. In addition, a provision is also created that directs such accessways cannot be impacted by development or construction unless a comparable alternative is provided.

Dune Stabilization Structures

The bill creates a new provision in s. 161.085, F.S., to allow the Department of Environmental Protection (DEP) to permit dune restoration projects that incorporate geotextile containers or similar structures. Included in this permit authority are a series of conditions that must be satisfied:

- Must provide for the protection of an existing major structure or public infrastructure that must be vulnerable to damage from frequent coastal storms or is upland of a dune system experiencing significant erosion from such storms;
- Construction shall utilize native or beach quality sand and native vegetation;
- May use geotextile materials provided they are filled with native or beach quality sand;
- The container or structure is continuously covered with 3 feet of sand;
- Be sited as far landward as practicable and in a manner that will minimize erosion;
- Do not materially impede public access;
- Designed to minimize adverse effects to nesting state or federally endangered species;
- Can be easily removed if needed;
- Granted the necessary incidental take permits by the U.S. Fish and Wildlife Service.

The current property owner and successive property owners are required to provide financial assurance that these containers or structures can be removed if they fail to maintain compliance with the statutory requirements. Each permittee is required to file a notice detailing the permit conditions in the public records of the county where the container or structure is located.

The DEP is granted authority to order the removal of these structures or containers if the structures: fail to function due to irreparable damage; are determined to have caused significant adverse impacts; or the federal incidental take permits have been revoked. The DEP is also authorized to require any necessary engineering certifications to ensure the adequacy of the design and construction of the structures or projects. Upon receipt of a permit application, the DEP is directed to notify the applicant and agent of all the statutory criteria detailed in this subsection.

In developing the annual statewide list of beach management projects the DEP is prohibited from submitting funding requests for projects that include these structures or containers.

Finally, the DEP is directed, in cooperation with an independent third-party expert, to evaluate the performance and impacts of these structures or containers. Such evaluations must be conducted in an on-going manner. The results of these evaluations are to be reported to the Legislature prior to any modifications being made to the criteria detailed in this subsection.

The Erosion Control Line

The bill amends s. 161.141, F.S., to provide additional guidance when a trier of fact is evaluating the impacts of an alleged taking of property rights due to a beach restoration project. The new provision directs that if a taking has been judicially determined to have occurred as a result of a beach restoration project, the enhancement in value must be offset against the value of the damage, if any, resulting to such remaining adjoining property of the upland property owner. The enhancement in value shall not be offset against the value of the property or property right alleged to have been taken. If the enhancement in value exceeds the value of the damage there shall be no recovery over against the property owner for such excess.

Inventory of Beach-quality Sand

The bill creates s. 161.144, F.S., to provide policy guidance related to sand source management. As stated in the bill, the Legislature recognizes that beach-quality sand for the nourishment of the state's critically eroded beaches is an exhaustible resource, in ever-decreasing supply, and must be carefully managed for the system-wide benefit of the state's beaches. The DEP, pursuant to s. 161.161, F.S., and in cooperation with federal and local government agencies, shall develop and maintain an inventory of identified offshore sand sources as part of the regional elements of its comprehensive long-term beach management plan. Offshore sand sources in state or federal waters which are identified for potential, proposed, or permitted use must be clearly mapped or otherwise noted and readily available for public review. In addition, boards of county commissioners of coastal counties adjacent to sand sources proposed for use outside of the region or subregion shall be provided written notice and an opportunity to comment during a specific project's planning and permitting stages. The bill also requires the DEP, as part of their annual submission to the Legislature of proposed projects, to identify those projects that propose to use sand sources from another region or subregion.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 2052 – Environmental Protection

By General Government Appropriations; Environmental Preservation and Conservation; Environmental Preservation and Conservation; Dockery

Tied Bills: None

Iden./Sim Bills: HB 7119

Committee(s) of Reference: Environmental Preservation and Conservation; Community Affairs; General Government Appropriations

This bill implements the recommendations of the Senate Environmental Preservation Committee's interim report no. 2006-121, Review of the Solid Waste Management Act. The bill makes a number of technical amendments to correct cross-references, delete certain obsolete provisions and dates from the solid waste management statutes, and address other issues which have arisen since the last major rewrite of the Solid Waste Management Act. Specifically, the bill makes the following changes:

- Amends s. 320.08058, F.S., to provide that the annual use fees from the sale of the Wildflower license plates will be distributed to the Wildflower Foundation, Inc.(foundation), a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. The fees must be used to establish native Florida wildflower research programs, wildflower educational programs, and wildflower grant

programs to municipal, county, and community-based groups in the state. The foundation must develop procedures of operation, research contracts, education and marketing programs and grants. A maximum of 15 percent of the proceeds from the sale of the license plates can be used for administrative costs and marketing.

- Amends s. 403.413, F.S., to clarify who is liable for dumping under the litter law.
- Amends s. 403.4131, F.S., to delete statutory provisions relating to Keep Florida Beautiful, Inc. and the Wildflower Advisory Council that was created within Keep Florida Beautiful, Inc., and deletes obsolete language relating to recycling and education grants program which were incorporated into the small county consolidated grants in s. 403.7095, F.S.
- Alphabetizes the definitions used in the Solid Waste Management Act, deletes obsolete definitions and consolidates definitions that are found elsewhere in the act.
- Deletes certain obsolete language and dates relating to the Department of Environmental Protection's (DEP) powers and duties, including:
 - Holding public hearings to develop rules to implement the state's solid waste management program. This is obsolete because rulemaking provisions of s. 120.54, F.S., include workshops and hearings.
 - Charging certain fees for certain solid waste management services. The DEP does not provide solid waste management services.
 - Acquiring personal or real property for the purpose of providing sites for solid waste management facilities. The DEP does not provide sites for solid waste management facilities.
 - Receiving funds from the sale of certain products, materials, fuel, or energy from any state-owned or operated solid waste facility. The DEP does not operate solid waste management facilities.
 - Deleting certain requirements for Class II landfills. There are no longer Class II landfills being permitted in Florida.
 - Conducting solid waste research to be used in the implementation of certain landfill closure rules. Landfill closure methods have been developed and the rules have been in place for nearly 20 years.
 - Authorizing variances from the solid waste closure rules. Variances are already allowed under s. 403.201, F.S., and s. 120.54, F.S., for any solid waste rule, not just closure rules.
- Deletes obsolete language relating to compost standards.
- Clarifies the circumstances under which industrial byproducts are not regulated under the Solid Waste Management Act. Industrial byproducts are not regulated under the Solid Waste Management Act if disposal of those byproducts do not constitute a threat of environmental contamination or pose a significant threat to public health. Also, certain dredged material that is generated as part of a project permitted under part IV of Ch. 373, F.S., or Ch. 161, F.S., or that is authorized to be removed from sovereign submerged lands under Ch. 253, F.S., must be managed in accordance with the conditions of that permit or authorization unless the dredged material is regulated as a hazardous waste.

- Deletes provisions relating to biomedical incinerators because biomedical incinerators are regulated under DEP's air rules.
- Allows the DEP to exempt, by rule, certain facilities from the requirement of a permit if the construction or operation of the facility will not create a significant threat to the environment or public health. For instance, the registration of yard trash processing facilities. For purposes of Part IV of ch. 403, F.S., (Resource Recovery and Management), and only when specified by DEP rule, permits may include other forms of licenses as defined in s. 120.52, F.S. This is intended to address an issue the Joint Administrative Procedures Committee has raised regarding DEP's authority to provide such exemptions, even if they are technically justified. Counties may exempt certain wood material from the definition of "construction and demolition debris" under certain conditions to promote an integrated solid waste management program.
- Provides for the management of storm-generated debris:
 - The DEP may issue field authorizations for staging areas in those counties affected by a storm event. These staging areas may be used for the temporary storage and management of storm-generated debris, including the chipping, grinding, or burning of vegetative debris. A local government must not locate a staging area in wetlands and other surface waters to the greatest extent possible, and the area that is used or affected by a staging area must be fully restored upon cessation of use of the area.
 - Storm-generated vegetative debris managed at a staging area may be disposed of in a permitted lined or unlined landfill, a permitted land clearing debris facility, or a permitted C&D debris disposal facility. Vegetative debris may also be managed at a permitted waste processing facility or a registered yard trash processing facility.
 - C&D debris that is mixed with other storm-generated debris need not be segregated from other solid waste prior to disposal in a lined landfill. C&D debris that is source-separated or separated from other hurricane-generated debris at an authorized staging area may be managed at a permitted C&D debris disposal or recycling facility upon approval by the DEP of the methods and operations practices used to inspect the waste during segregation.
 - Unsalvageable refrigerators and freezers containing solid waste, such as rotting food, which may create a sanitary nuisance, may be disposed of in a permitted lined landfill; however, chlorofluorocarbons and capacitors must be removed and recycled to the greatest extent practicable.
 - Local governments may conduct the burning of storm-generated yard trash and other vegetative debris in air-curtain incinerators without prior notice to the DEP. Demolition debris may also be burned in air-curtain incinerators if the material is limited to untreated wood. Within 10 days after commencing such burning, the local government must provide certain information to the DEP. The operator of the air-curtain incinerator is subject to any requirement to obtain an open burning authorization from the Division of Forestry of the Department of Agriculture and Consumer Services or any other agency empowered to grant such authorization.

- Amends s. 403.7095, F.S., to broaden the innovative grants provisions:
 - “Innovative” means that the process, technology, or activity for which funding is sought has not previously been implemented within the jurisdiction of the applicant.
 - Grants must demonstrate technologies or processes that represent a novel application of an existing technology or process to recycle or reduce waste.
- Limits the use of an escrow account for the closure of a landfill to those landfills owned or operated by a local or state government or the Federal Government. Privately owned or operated landfills must provide other means of financial responsibility for the closure of landfills. However, any landfill owner or operator that had established an escrow account in accordance with the escrow provisions of this section and the conditions of its permit prior to January 1, 2007, may continue to use that escrow account to provide financial assurance for closure of that landfill, even if that landfill is not owned or operated by a local or state government or the Federal Government. An owner or operator of a landfill owned or operated by a local or state government or by the Federal Government may provide other means of financial assurance to the DEP in lieu of the escrow account.
- Deletes the provisions relating to the training of operators for waste-to-energy facilities, biomedical waste incinerators, and mobile soil thermal treatment units or facilities. The operators of these facilities are subject to the DEP’s rules relating to training requirements under air permits.
- Revises the definition of “waste tire” and “waste tire processing facility.”
- Exempts certain tire businesses from having to obtain a tire storage permit. The term “waste tire” will not include solid rubber tires and tires that are inseparable from the rim. These constitute a small percentage of the discarded tires and these tires are not amenable to recycling. Further, they pose little threat of fire, floating in standing water, or mosquito breeding. The term “waste tire processing facility” is amended to provide consistency with the term “processed tire.” The provisions requiring a tire storage permit for a tire retreading business where fewer than 1,500 waste tires are kept on the premises is deleted. Currently, no permit is needed for storage of less than 1,500 tires anywhere.
- Extends the duration of certain solid and hazardous waste research, development, and demonstration permits. The DEP is allowed to issue a research, development, and demonstration permit to the owner or operator of any solid waste management facility, including any hazardous waste management facility who proposes to utilize an innovative and experimental solid waste treatment technology or process for which permit standards have not been adopted. The time period for such permits is extended from 1 year to 3 years, renewable no more than 3 times. This would remove a conflict with a similar Environmental Protection Agency rule regarding their research, development, and demonstration permits.
- Clarifies who must obtain a permit to construct, modify, operate, or close a hazardous waste disposal, storage, or treatment facility. This section is also amended to provide for authorizations issued by the DEP to include both permits and clean closure orders. The bill further clarifies that if an owner or operator of

a hazardous waste facility intends to or is required to discontinue operation, the temporary operation permit must include final closure conditions.

- Deletes a requirement for a separate report on hazardous waste management. This information is included in the DEP's Solid Waste Management in Florida report.
- Authorizes the DEP to issue authorizations which include both permits and clean closure orders for hazardous waste facilities. Further, the amount of financial responsibility that is required for hazardous waste facilities includes the probable costs of properly closing the facility and performing corrective action.
- Clarifies that signs must be placed by the owner or operator at any site in the state which is listed or proposed for listing on the Superfund Site List or any site identified by the DEP as a site contaminated by hazardous waste where this is a risk of exposure to the public. The DEP must establish requirements and procedures for the placement of signs, and may do so in rules, permits, orders, or other authorizations.
- Allows the DEP to issue orders requiring the prompt abatement of an imminent hazard caused by a hazardous substance. Currently, the DEP may only issue a permit to abate such hazards.
- Requires that local governments match 25 percent of the grant amount for certain hazardous waste collection grants; however, if the DEP finds that the project has statewide applicability and has immediate benefits to other local hazardous waste collection programs in the state, matching funds are not required. Currently, eligible local governments may receive up to \$50,000 in grant funds for unique and innovative projects that improve the collection of hazardous waste and lower the incidence of improper management of conditionally exempt or household waste, provided they match the grant amount.
- Repeals a provision relating to the submission of certain solid waste facility construction and operation plans.
- Repeals the requirement for a separate used oil report.
- Repeals the provisions relating to the Multipurpose Hazardous Waste Facility Siting Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 2388 –Federal Grants Trust Fund/DEP

By Alexander

Tied Bills: None

Iden./Sim Bills: HB 7037

Committee(s) of Reference: General Government Appropriations

The bill creates the Federal Grants Trust Fund within the Department of Environmental Protection. The fund is established for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2008.

HB 7063 – Excise Taxes on Fuel and Other Pollutants
By Environment & Natural Resources Council; Mayfield
Tied Bills: None
Iden./Sim Bills: None
Committee(s) of Reference: Policy & Budget Council

This bill redistributes \$5 million or 2.5 percent of revenues, whichever is greater, in the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund within the Department of Environmental Protection. This redistribution of revenue will provide continued support of law enforcement and pollutant discharge cleanup activities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 7123 – Energy
By Policy & Budget Council; Environment & Natural Resources Council; Allen and others
Tied Bills: None
Iden./Sim Bills: CS/CS/CS/SB 996; CS/SB 2666; includes part of HB 313; CS/HB 1257; CS/CS/CS/SB 2054; CS/CS/SB 2136; SB 2694
Committee(s) of Reference: Policy & Budget Council

CS/HB 7123 addresses several of the *100 Innovative Ideas for Florida's Future* outlined in Chapter VI – A Cleaner, Safer, Healthier Florida. The legislation provides a comprehensive approach to address alternative energy and energy efficiency measures by: encouraging the production and sale of alternative fuels; providing energy efficiency standards in government buildings; requiring the development of greenhouse gas inventories; incentivizing the use of solar energy; developing sustainable alternatives that promote environmental health; and establishing a Green Schools Pilot Program in three school districts. Specifically, the bill:

- Creates an Energy Policy Governance Task Force for the purpose of recommending a unified, coordinated statewide approach to address a state energy policy, including energy conservation and research, development, and the deployment of alternative and renewable energy technology. The task force will be composed of the following members:
 - Two members appointed by the Governor;
 - Two members appointed by the President of the Senate;
 - Two members appointed by the Speaker of the House of Representatives;
 - The Commissioner of Agriculture or a designee;
 - The Secretary of the Department of Environmental Protection or a designee;
 - A vice-president for research designated by the Council of Vice-Presidents for State University Research;
 - The Chair of the Florida Energy Commission or a designee;
 - The Chair of the Florida Public Service Commission or a designee; and
 - The Public Counsel.

The bill requires a report to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives no later than February 1, 2008.

- Provides a renewable energy source exemption on real property in which solar energy is installed and operated. Such exemption shall only apply on devices installed after July 1, 2007.
- Provides for transferability of a renewable energy technologies investment tax credit from any corporation subject to the transferor providing a written transfer statement providing notice to the Department of Revenue.
- Provides for a “renewable energy production credit” for the producer of electricity when such use of the electricity decreases the amount of electricity that would otherwise be purchased by the producer. Provides that the taxpayer’s use of the renewable energy production credit shall not reduce the amount of the alternative minimum tax credit pursuant to s. 220.186, F.S.
- Requires buildings constructed and financed by the state to be designed and constructed to meet a green building rating system (Leadership in Energy and Environmental Design [LEED], Green Building Initiative’s Green Globes or a nationally recognized, high-performance green building rating system).
- Requires each state agency to compile an inventory of all state-owned buildings that it determines are suitable for a guaranteed energy performance savings contract. By March 1, 2008, the Department of Management Services is required to evaluate each agency’s facilities suitable for energy conservation projects and develop an energy efficiency project schedule which must provide the deadline for guaranteed energy performance savings contract improvements to be made to the state-owned buildings.
- Extends the maximum period of time allowed for repayment of funds drawn for energy conservation measures pursuant to the master equipment financing agreement from 10 to 20 years.
- Revises the rebate eligibility and application requirements for solar photovoltaic systems. Provides for solar rebate preapplication and notification within 30 days of receipt of the preapplication and provides for reservation of funds for the preapplication for up to 90 days following the date of notification. Within 90 days after the purchase of the solar photovoltaic system, the applicant must submit to the Department of Revenue a separate application for a rebate payment.
- Requires the Department of Environmental Protection to develop greenhouse gas inventories that account for annual greenhouse gases emitted to and removed from the atmosphere, and forecast gases emitted and removed. The inventory must also include emissions which are considered carbon neutral through the use of renewable energy.
- Revises provisions under the Power Plant Siting Act and the Transmission Line Siting Act that are considered technical corrections for administrative purposes.
- Clarifies the guaranteed energy performance savings contracting provisions to allow the Department of Management Services and the Chief Financial Officer greater

authority to review and approve contracts for state agencies that produce an energy-related cost savings or minimize energy consumption.

- Establishes the Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services (DACS) to provide renewable energy matching grants for demonstration, commercialization, research, and development projects relating to bioenergy projects. Requires the DACS to consult with and solicit input from the Department of Environmental Protection. Additionally, for the technical feasibility of grant applications, the bill requires DACS to consult with persons having expertise in renewable energy technologies, and for the economic feasibility of grant applications, the bill requires DACS to consult with the Office of Tourism, Trade, and Economic Development.
- Subject to future appropriations, provides incentives for the retail sale and production of biodiesel and ethanol fuels for the purpose of encouraging the sale of biofuels in the state and replacing petroleum consumption and to encourage the development and expansion of facilities that produce biofuels in the state from crops, agricultural waste and residues, and other biomass produced in Florida.
- Requires the Florida Building Commission to convene a workgroup to develop a model residential energy efficiency ordinance that provides incentives to meet energy efficiency standards. The bill requires the commission to provide a report to the Legislature with a developed ordinance by March 1, 2008. Additionally, the bill requires the Florida Building Commission and stakeholders to review the Florida Energy Code for Building Construction and revisit the analysis of cost-effectiveness that serves as the basis for energy efficiency levels for residential buildings, identify cost-effective means to improve energy-efficiencies in commercial buildings, and compare the code to the International Energy Conservation Code and the American Society of Heating Air-Conditioning and Refrigeration Engineers Standards 90.1 and 90.2. A report with a standard that may be adopted for the construction of all new residential, commercial, and government buildings is due to the Legislature by March 1, 2008.
- Requires the Florida Building Commission and stakeholders to develop and implement a public awareness campaign that promotes energy efficiency and the benefits of building green by January 1, 2008. The campaign must include, among other things, enhancement of an existing web site pertaining to green building practices, the promotion of various energy-efficient products through existing trade shows, and must include strategies for utilizing print advertising, press releases, and television advertising to promote voluntary utilization of green building practices.
- Requires all county, municipal, and public community college buildings to meet a green building rating system as approved by the Department of Management Services (Leadership in Energy and Environmental Design [LEED], Green Building Initiative's Green Globes or a nationally recognized, high-performance green building rating system). The bill declares that there is an important state interest in promoting the construction of energy-efficient and sustainable buildings.
- Establishes minimum standards (subject to availability) for diesel fuel purchases for use by state-owned diesel vehicles and equipment to include biodiesel fuel (B20)

purchase requirements and establishes minimum standards (subject to availability) for fuel purchases for use by state-owned flex-fuel vehicles to include ethanol purchase requirements. Such standards shall include a minimum of: five percent by July 1, 2008; 10 percent by January 1, 2009; and 20 percent by January 1, 2010.

- Requires that by January 1, 2008, a minimum of 20 percent of total diesel fuel purchases for use by school districts be biodiesel fuel (B20), subject to availability.
- Creates within the Executive Office of the Governor the Florida Energy, Aerospace, and Technology (F.E.A.T) Fund to encourage a state partnership with entities to identify business and investment opportunities in the areas of alternative energy development and aerospace industry expansion.
-
- Provides for the construction of a multifaceted research and demonstration cellulosic ethanol plant designed to conduct research and to demonstrate the commercialization of cellulose-to-ethanol technology. Such plant shall be operated as a satellite facility by the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida. The bill provides the university with the right to use and the right to retain derived revenues subject to the continuing approval of the Legislature.
- Requires the Florida Public Service Commission to conduct separate studies and hold public hearings on issues relating to Renewable Portfolio Standards and net metering and requires reports to the President of the Senate and Speaker of the House by January 1, 2008 and February 1, 2008, respectively. Requires the Public Service Commission to submit a report to the Legislature by February 28, 2008, that provides a detailed description of the methods used to evaluate the conservation goals, plans, and programs of utilities subject to the Florida Energy Efficiency and Conservation Act.
- Requires the Department of Agriculture and Consumer Services to conduct a study in conjunction with the Department of Environmental Protection and Enterprise Florida, Inc., to recommend an appropriate Florida Loan Guarantee Program for cellulosic ethanol facilities. Requires a report to the Legislature no later than January 1, 2008.
- Requires the Department of Community Affairs to convene a workgroup to study energy conservation standards for products that consume electricity, such as residential pool pumps, pool heaters, spas, and commercial and residential appliances. Requires a report no later than March 1, 2008.
- Establishes a Green Schools Pilot Project to construct three complete schools that meet LEED silver-level or Green two-globes certification standards. Three school districts, varying in size, shall be selected by January 1, 2008, to participate in the pilot project.

- Additional energy issues funded in the General Appropriations Act that are not included in CS/HB 7123 include:
 - \$12.5 million to the Department of Environmental Protection to administer the Renewable Energy Technologies Grants Program; and
 - \$250,000 to the Department of Environmental Protection to develop a public awareness campaign to promote energy education and the public dissemination of information on energy and its environmental, economic, and social impact.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 7173 – Fish and Wildlife Conservation Commission

By Policy & Budget Council; Environment & Natural Resources Council; Mayfield and others

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 1980; CS/CS/SB 1982; includes part of CS/HB 975; includes part of CS/SB 1900

Committee(s) of Reference: Policy & Budget Council

The bill addresses several issues regarding the Florida Fish and Wildlife Commission (FWC).

The FWC is required to publish its rules for establishing due process procedures verbatim rather than by reference. The Legislature's statutory authority over marine life is clarified, consistent with the Florida Supreme Court opinion (Caribbean Conservation Corp., Inc. v. Florida Fish and Wildlife Conservation Com'n, 838 So.2d 492 (Fla. 2003)).

The fee for the Sea Turtle license plate is raised to \$23. The FWC is provided additional authority over the use of revenues generated from the sale of Florida Panther, Large Mouth Bass, and Manatee License Plates. The FWC is authorized to use up to 10% of such revenues to market and promote such license plates.

The state's blue crab regulatory program is revised. New "endorsement and tag fees" for commercially taking blue crabs are established and a portion of certain new endorsement fees are to be used for the expanded trap retrieval program. The fees charged by the FWC are as follows:

- Hard-Shell Blue Crab Endorsements - \$125, of which \$25 dollars must be used solely for the trap retrieval program.
- Soft-Shell Blue Crab Endorsements - \$250, of which \$25 dollars must be used solely for the trap retrieval program.
- Nontransferable Hard-Shell Blue Crab Endorsements - \$125, of which \$25 dollars must be used solely for the trap retrieval program.
- Incidental-take Blue Crab Endorsements - \$25.
- Trap tags - \$.50 cents per tag, replacement tags are \$.50 cents plus shipping costs.

Each commercial blue crab trap placed to harvest blue crabs requires the attachment of an identifying trap tag on the trap and trap buoy. Certain activities are made criminal offenses including the following:

- Molesting blue crab traps, buoys and lines.
- Bartering, trading, leasing, or selling a blue crab trap tag or conspiring or aiding in such barter, trade, lease, or sale unless duly authorized by commission rules.
- Supplying, agreeing to supply, aiding in supplying, or giving away a blue crab trap tag unless duly authorized by commission rules.
- Making, altering, forging, counterfeiting, or reproducing a blue crab trap tag.
- Possessing an altered, forged, counterfeit, or imitation blue crab trap tag.
- Possessing a number of original trap tags or replacement trap tags, the sum of which exceeds by 1 percent the number of traps allowed by commission rules.
- Engaging in the commercial harvest of blue crabs while the blue crab endorsements of the licenseholder are under suspension or revocation.

Additional fines and penalties for violating the provisions of the blue crab regulatory program are established. Funds collected from fees and penalties relating to the blue crab program are to be deposited in the Marine Resources Conservation Trust Fund to administer and implement the blue crab program. The fees, prohibited activities, penalties and fines of the blue crab regulatory program are set to expire July 1, 2009.

The statutes are revised to provide consistent terminology when referring to spiny lobster and related endorsements. An additional administrative penalty is established for any person forging or unlawfully bartering spiny lobster trap tags or certificates.

The bill requires legislative approval of FWC rules that establish fees for equitable rent for enhanced access to the state's natural resources.

The current trap retrieval program for spiny lobsters and stone crab is expanded to include blue crabs traps and black sea bass traps as types of traps to be retrieved under the program.

The FWC is authorized to defer or waive replacement trap tag fees for the commercial blue crab, commercial stone crab, and commercial spiny lobster fisheries, in the event of a declared emergency by the Governor.

The FWC, any tax collector, or any subagent authorized to sell recreational hunting and fishing licenses is permitted to collect donations to fund the enhancement of youth hunting and fishing programs. Donations are to be deposited into the State Game Trust Fund and the FWC is required to report to the Governor, President of the Senate and Speaker of the House programs and activities performed with such donations.

The legislation provides clarity to the current exemptions from fees and requirements for recreational fishing license. The bill increases the fees for recreational hunting and fishing licenses for both residents and non-residents.

The purposes of the Marine Resources Conservation Trust Fund are expanded to include the authorization of the deposit of revenues from the blue crab regulatory program, the blue crab effort management program, the spiny lobster trap certificate program, and the trap retrieval program. The bill waives all blue crab fishery fees for the 2007-08 license year, and an appropriation of \$132,000 for the fiscal year 2007-2008 from the Marine Resources Conservation Trust Fund is provided to pay for program, tags, and administrative costs associated with the blue crab management effort and its advisory board.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Agribusiness

HB 1199 – Tax on Sales, Use, and Other Transactions

By Nelson and others

Tied Bills: None

Iden./Sim Bills: SB 1416

**Committee(s) of Reference: Environment & Natural Resources Council;
Agribusiness; Policy & Budget Council**

The 2006 Legislature enacted a sales tax exemption for electricity used directly and exclusively for the production or processing of agricultural products on a farm, as long as the usage was separately metered. During the implementation of that legislation, it became apparent that the legislation was so narrowly drawn that it failed to encompass all aspects involved in the production and processing of certain agricultural products.

HB 1199 expands current law to include a sales tax exemption for electricity used indirectly in the production or processing of agricultural products on a farm.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/CS/SB 1372 –Agriculture & Consumer Services

**By General Government Appropriations; Commerce; Agriculture; Agriculture;
Lynn and others**

Tied Bills: None

Iden./Sim Bills: CS/HB 651

**Committee(s) of Reference: Agriculture; Commerce; General Government
Appropriations**

CS/CS/CS/SB 1372 addresses a variety of issues relating to the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Authorizes a two-year registration cycle for pesticide brands effective January 1, 2009;
- Authorizes the department to impose late fees of \$25 per pesticide brand for each month a payment is late, not to exceed a total of \$250 in additional fees per pesticide brand;
- Revises date references to the Code of Federal Regulations (C.F.R.) regarding bottled water and bottled water plants;
- Revises the definition of "food establishment" to include tomato packinghouses.
- Revises definitions of certain milk products to coincide with the definitions reflected in the federal Grade "A" Pasteurized Milk Ordinance, amended in 2005;
- Transfers the permitting of milk manufacturing plants to the department's Division of Dairy Industry;

- Abolishes the practice of issuing temporary permits to milk haulers because the federal Grade “A” Pasteurized Milk Ordinance of 2005 no longer recognizes those permits;
- Clarifies the venues in which manufactured milk products and cheese may be sold and modifies state law to mirror federal law regarding the sale of cheese made from raw milk;
- Deletes sections of law relating to the establishment, branding and other requirements for seed trees since these sections of law have never been implemented and are, therefore, unnecessary;
- Provides for more stringent inspections on tomato farms and in tomato packinghouses and provides for fees collected related to these inspections will be deposited into the General Inspection Trust Fund to be used for tomato-related activities;
- Instructs the department to conduct, or cause to be conducted, research projects recommended by the Florida Citrus Production Research Advisory Council, within the limits established by the funds specifically appropriated for this purpose;
- Renames the No. 2 packing house at the Palatka State Farmers’ Market as the E.H. “Gene” Downs Building and instructs the department to erect suitable markers;
- Creates the Consumer Fireworks Task Force, charged with reviewing and evaluating issues relating to the proper use of fireworks, regulation of temporary sale facilities for consumer fireworks, zoning classifications for placement of retail facilities and regulation of hours and location for use of consumer fireworks, studying funding options for fire official training and education, as well as studying funding options for clean-up of expended consumer fireworks products.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1427 – Agritourism

By Environment & Natural Resources Council; Zapata

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 2754; CS/HB 553; includes part of SB 1522

Committee(s) of Reference: Environment & Natural Resources Council;

Agribusiness; Policy & Budget Council (W/D)

CS/HB1427 deals with a variety of issues under the topic of agriculture. This bill:

- Allows the Department of Agriculture and Consumer Services to provide advice and support relating to agritourism to the Florida Commission on Tourism and a variety of local governmental entities;
- Encourages farms to engage in agritourism and specifies that agritourism shall not remove or limit the land’s agricultural (Greenbelt) tax assessment;
- Directs local governments and agricultural representatives to meet and discuss the benefits of agritourism to local economies;

- Orders the Department of Agriculture and Consumer Services to examine conditions surrounding the purchase and sale of horses, and to create rules to prevent deceptive and unfair trade practices, with the exception of sales that result from claiming races at licensed pari-mutuel facilities;
- Provides that the owner of agricultural property is not liable for negligence to a person who is injured or killed while destroying or damaging a fence or “no trespassing” sign on that property;
- Provides an alternative form of posting “no trespassing” notice by allowing orange paint stating “No Trespassing” to be used on trees or posts on the property as long as standard “no trespassing” signs are posted at any place where entry to the property is expected or known;
- Increases the penalty for removing, destroying, or damaging “no trespassing” signs on legally posted property to a first degree misdemeanor; and
- Increases the penalty for damaging or destroying a fence owned by another person to provide that a second or subsequent offense is a third degree felony.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

CS/SB 1952 – Agriculture & Consumer Services Department

By Higher Education; Commerce

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 1197; HB 979; SB 1862

Committee(s) of Reference: Commerce; Higher Education; General Government Appropriations

CS/SB 1952 revises provisions under the jurisdiction of the Department of Agriculture and Consumer Services (department).

Effective January 1, 2008, the bill requires persons applying for a private investigator license to pass an examination relating to private investigative, private security and repossession services. Additionally, effective September 1, 2008, those persons applying for a private investigator intern license are required to complete 24 hours of training prior to application for licensure. An additional 16 hours of training and an examination must be completed within 180 days. The department is authorized to establish the content of the course work and examination, as well as the manner of its administration and cost, which may not exceed \$100. The bill provides for certain exemptions to the examination requirements. The bill provides for the course work for persons applying for recovery agent or recovery agent intern licensure to be offered through Internet-based training and correspondence training as well as face-to-face training. The department is given spending authority from the Licensing Trust Fund in the amount of \$58,559 for the purpose of developing curriculum and administering examinations to applicants for licensure as private investigators.

The bill revises the name of the organization providing the department with standards, definitions and test procedures for the formulation of antifreeze to ASTM International.

CS/SB 1952 amends the registration process to allow non-owners of brake fluid brand names to register said products with the department when the registration is accompanied by a notarized affidavit signed by the owner of the brand name. Additionally, the bill revises the amount of brake fluid required to be submitted for sampling as well as the labeling requirements, and revises requirements that constitute a new brake fluid product.

The bill clarifies that liquefied petroleum (LP) gas company applicants must supply satisfactory evidence that the premium has been paid on a primary policy of bodily injury liability and property damage liability insurance covering the products and operations of said business. The bill amends current law to include removing liquefied petroleum gas from any container as a prohibited act unless performed by the owner or a person authorized by the owner. The bill requires test measures of volumes of more than 500 gallons of petroleum to be calibrated to the National Institute of Standards and Technology standards within 3 years of the date of adjustment rather than every year.

The bill creates a Consumer Fertilizer Task Force within the Department of Agriculture and Consumer Services to take public input and testimony towards the development of statewide guidelines governing non-agricultural fertilizer use rates and applications.

The bill creates definitions for the terms “chamber of commerce” and “business entity” and prohibits a business entity which does not qualify as a chamber of commerce under the newly created definition from using the term in its business name or to describe itself. This prohibition does not apply to binational chambers of commerce or chambers of commerce in existence on or before October 1, 1992.

The bill provides that any violation of this prohibition is a first-degree misdemeanor. Further, the bill provides the ability for any chamber of commerce to petition a court to limit or restrain a business entity from unlawful use of the term. It is unclear how many businesses will be affected by passage of this bill, but it is expected to be a small number.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

Committee on Conservation & State Lands

CS/CS/SB 668 – Surplus State Lands/Reconveyance

By General Government Appropriations; Agriculture; Fasano

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 395

Committee(s) of Reference: Agriculture; Environmental Preservation and Conservation; General Government Appropriations

CS/CS/SB 668 amends s. 253.034, F.S., to authorize the Department of Environmental Protection, to reconvey to a fair association title to any parcel of surplus land less than three acres in size which was previously gifted or conveyed for \$1.00 to the state by a fair association prior to 1955. This fair association must be incorporated under Ch. 616, F.S., for the purpose of conducting and operating public fairs or expositions. The agency that last held a lease from the Board of Trustees for the management of the land may remove any and all improvements, fixtures, goods, wares, and merchandise from the land within 180 days of the effective date of the title transfer. If a title is to be reconveyed, DEP is required to file a notice of intent to surplus by July 1, 2008. The authorization to reconvey a title expires on July 1, 2008.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 981 – State Parks

By Environment & Natural Resources Council; Culp

Tied Bills: None

Iden./Sim Bills: CS/SB 94; CS/CS/CS/SB 2054

Committee(s) of Reference: Environment & Natural Resources Council; Conservation & State Lands

CS/HB 981 amends Ch. 258, F.S., to decriminalize violations of the Department of Environmental Protection, Division of Parks and Recreation's (division's) rules except for certain identified violations. Penalties are established for noncriminal infractions that include ejection from all properties managed by the division and a fine of up to \$500.00. Unless a person has been granted specific permission by the division to engage in the activity, any of the following activities are violations identified by the legislation as misdemeanors of the second degree, punishable by imprisonment up to 60 days and a fine up to \$500.00:

- cutting, carving, injuring, mutilating, moving, displacing, or breaking off any water bottom formation or coral within the boundaries of a state park;
- capturing, trapping, injuring, or harassing wild animals within the boundaries of a state park;
- collecting plant or animal specimens within the boundaries of a state park;
- leaving the designated public roads with a vehicle within the boundaries of a state park;
- hunting within the boundaries of a state park; or

- refusing to sign a citation, or to comply with a citation or court order related to a citation.

As an acknowledgement of their commitment and service to the citizens of Florida, the legislation directs the division to charge half price user fees to active members of the Florida National Guard, their spouses and their minor children.

The legislation also amends ch. 316, F.S., to allow the operation of golf carts on roads in state parks whenever the posted speed limit is 35 mph or less and to allow state employees to operate golf carts on public roads subject to the same authority and restrictions as employees of municipalities.

Chapter 259, F.S. is amended such that, notwithstanding the prohibition or restrictions contained in the Babcock Ranch management agreement, areas of the Babcock Ranch historically used for tenant farming may continue to be leased out by Babcock Ranch Management, LLC. Such leases, extensions or renewal periods shall be for a term of not less than one year or more than four years, and shall not exceed the total amount of acreage covered by the tenant leases in existence on July 31, 2006. CS/HB 981 further authorizes hunting on the preserve subject to Florida Fish and Wildlife Conservation Commission rules. Babcock Ranch, LLC is directed to offer special opportunity hunts for persons under the age of eighteen years and for persons with disabilities.

The bill conditions the tenant farming and hunting provisions included in the bill upon Babcock Ranch Management LLC, meeting the requirements of s. 259.1053(11)(d), F.S. Under this statutory provision, on or before the date on which title to the portion of the Babcock Crescent B Ranch being purchased by the state is vested in the Board of Trustees of the Internal Improvement Trust Fund, Babcock Ranch Management, LLC, was required to provide the commission and the department with the management plan and business plan in place for the operation of the ranch as of November 22, 2005, the date on which the board of trustees approved the purchase.

The bill also directs the Board of Trustees to order an audit pursuant to section 27 of the management agreement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SM 1680 – Herbert Hoover Dike Improvements

By Aronberg and others

Tied Bills: None

Iden./Sim Bills: HM 489

**Committee(s) of Reference: Environmental Preservation and Conservation;
Military Affairs and Domestic Security.**

SM 1680 requests the U.S. Congress authorize the U.S. Army Corps of Engineers to make urgently needed improvements to bring Herbert Hoover Dike – surrounding Lake Okeechobee – into compliance with current levee standards by 2014 and authorize the necessary funding to expedite the improvements.

CS/SB 2766 – Venomous Reptiles & Reptiles of Concern**By General Government Appropriations; Posey****Tied Bills: None****Iden./Sim Bills: CS/HB 1505****Committee(s) of Reference: Environmental Preservation and Conservation;
General Government Appropriations**

CS/SB 2766 modifies current law regarding the regulation of poisonous or venomous reptiles by broadening the Fish and Wildlife Conservation Commission's (FWC) ability to regulate a variety of reptiles with an emphasis on those held for personal use. The FWC is to establish a list of reptiles of concern, including venomous, nonvenomous, native or non-native, or other reptiles for which the capture, possession, transportation, or exhibition is to be regulated due to the reptile's nature, habits, status, or potential to negatively impact the environment, ecology, or humans.

Current laws regulating venomous reptiles are repealed, as these regulations are superseded by the regulations governing reptiles of concern.

A person, firm or corporation wanting to capture, keep, possess, or exhibit a reptile of concern must obtain a license/permit issued by the FWC. The annual fee for such a license is set at \$100 and the FWC is authorized to reduce the annual fee for the license/permit if it determines that general compliance with reptiles of concern regulations and related enforcement activities justifies such a reduction. Fees collected are to be deposited into the State Game Trust Fund and are to be used to implement, administer, enforce and educate the public regarding requirements to capture, keep, possess, transport, or exhibit reptiles of concern.

The legislation makes it unlawful for any person or business entity, whether licensed or not, to hold or otherwise possess a listed reptile of concern in an unauthorized manner - in housing not approved by the FWC as safe, secure and proper. Captive reptiles of concern are subject to inspection by the FWC and for those who are not safely penned, as determined by the FWC, the FWC will report in writing the cited situation to the person or business entity owning the reptiles. The owner then has 30 days to correct the cited situation or their license is subject to revocation.

The FWC is provided rulemaking authority to establish the requirements for regulating reptiles of concern, including their enclosure and transport.

A first degree misdemeanor penalty is established for releasing a reptile of concern into the wild whether knowingly or through gross negligence.

Current bonding requirements for entities exhibiting venomous reptiles to the public are expanded to include Class I wildlife, those animals classified as the most dangerous and not suited for personal possession, and the bond amount required is increased to \$10,000. Several options are provided to meet the bonding requirements.

Current law establishing captive wildlife penalties are substantially reworded to align the captive wildlife penalties with those penalties established for violating recreational hunting and fishing regulations. A framework is established which provides four levels of violations based upon the seriousness of the violation along with escalating penalties for each level of violation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007, except as otherwise provided.

SM 2770 – Comprehensive Everglades Restoration Plan

By Aronberg and others

Tied Bills: None

Iden./Sim Bills: HM 1171; HM 1227

Committee(s) of Reference: Environmental Preservation and Conservation

SM 2770 request the U.S. Congress fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000 and the Indian River Lagoon and Picayune Strand projects in the Comprehensive Everglades Restoration Plan and provide funding for the federal share of the full and equal partnership.

Committee on Energy

HB 549 – Power Plants

By Traviesa and others

Tied Bills: None

Iden./Sim Bills: SB 1202

Committee(s) of Reference: Environment & Natural Resource Council; Energy; Policy & Budget Council

The 2006 Legislature enacted the “Florida Renewable Energy Technologies and Efficiencies Act” in response to the disruption in energy supply experienced during the 2004 and 2005 hurricane seasons. The act revised statutory provisions governing determination of need and cost recovery for the construction of nuclear power plants. Pursuant to s. 403.519 (3), F.S., the Legislature authorized the Public Service Commission (PSC) to consider fuel diversity and fuel reliability as factors when determining the need for new electric generation.

Integrated gasification combined cycle (IGCC) power plants convert coal into a synthetic gas, which is then burned in a standard combined cycle power plant to create electrical power. HB 549 amends s. 366.93, F.S., to add IGCC power plants to the section that allows for advanced cost recovery for the siting, design, licensing, and construction of nuclear power plants. It also amends s. 403.519, F.S., to add IGCC power plants to the nuclear power plant need determination review process, and adds exemptions for IGCC power plants from the requirements of Rule 25-22.082, Florida Administrative Code, referred to as the “bid rule.” Additionally, the bill amends ss. 403.502 and 403.519, F.S., to stipulate that when considering the expansion of power generation facilities and determining need, the PSC shall consider whether renewable energy sources and conservation measures, are utilized to the extent reasonably available.

This bill allows IGCC power plants to recover their pre-operational costs prior to completion of the project. These costs will be passed onto ratepayers prior to the completion of the project.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

Committee on Environmental Protection

CS/HB 1039 – Southwest Florida Water Management District

By Environment & Natural Resources Council; Bowen

Tied Bills: None

Iden./Sim Bills: CS/SB 1776

**Committee(s) of Reference: Environment & Natural Resources Council;
Environmental Protection**

This bill revises the residence requirements for governing board members of the Southwest Florida Water Management District, and increases the total number of board members of the Southwest Florida Water Management District by two, to a total of 13. The bill adds an additional, permanent member for Polk County, raising its total number of seats to two, and revises the qualifications for the “at large” seats on the board to provide for:

One at-large member appointed from Levy, Citrus, Sumter and Lake Counties.

One at-large member appointed from Marion and Hernando Counties.

One at-large member shall be appointed from Hardee, DeSoto, and Highlands Counties.

One at-large member appointed from Sarasota and Charlotte Counties.

New appointments will occur after the expiration of the term of the current members.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 2346 – Myakka River

By Community Affairs; Environmental Preservation and Conservation; Bennett

Tied Bills: None

Iden./Sim Bills: CS/SB 1281

**Committee(s) of Reference: Environmental Preservation and Conservation;
Community Affairs**

CS/CS/SB 2346 requires the Myakka River Management Coordinating Council to prepare a report on the inclusion of the entire Myakka River under the Florida Wild and Scenic River designation. The bill requires public hearings. It also requires submission of the report to the Governor; the President of the Senate; and the Speaker of the House of Representatives.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

HOUSE OF REPRESENTATIVES

Government Efficiency & Accountability Council

Representative Andy Gardiner, Chair

Representative Michael J. Grant, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Committee on Audit & Performance

Representative Ed Homan, Chair

Representative Carl Domino, Vice Chair

Committee on Military & Veterans' Affairs

Representative Stan Jordan, Chair

Representative Greg Evers, Vice Chair

Committee on State Affairs

Representative Frank Attkisson, Chair

Representative Robert C. "Rob" Schenck, Vice Chair

Committee on Urban & Local Affairs

Representative Julio Robaina, Chair

Representative Eduardo "Eddy" Gonzalez, Vice Chair

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Government Efficiency & Accountability Council

CS/SB 32 – Relief/Jurgrau/South Broward Hospital

By Health Regulation; Fasano

Tied Bills: None

Iden./Sim Bills: CS/HB 1135

Committee(s) of Reference: The Special Master on Claim Bills; Health Regulation

Compensates Sharon Jurgrau and Megan Jurgrau for the death of Mark Jurgrau as the result of negligence by the South Broward Hospital District arising from inadequate care following surgery. Based on a settlement agreement, the South Broward Hospital District has agreed to pay a total of \$700,000, \$200,000 of which has already been paid by the Hospital District. The bill awards the amount of \$500,000. Payment for attorney's fees and costs incurred by the claimant's attorneys is limited to \$77,781. Payment for the professional services and costs of lobbyists advocating for passage of the claim bill is limited to \$5,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 44 – Relief/Verlin C. Weaver/Fernandina Beach

By Community Affairs; Aronberg

Tied Bills: None

Iden./Sim Bills: CS/HB 1291

Committee(s) of Reference: The Special Master on Claim Bills; Community Affairs

Compensates Verlin C. Weaver for injuries and damages sustained as the result of negligence by an employee of the City of Fernandina Beach when a City garbage truck struck Mr. Weaver's vehicle. Based on a settlement agreement, the City of Fernandina Beach has agreed to pay a total of \$500,000, \$100,000 of which has already been paid by the City. The bill awards the amount of \$400,000. Payment for the combined total of professional services and costs incurred by attorneys and lobbyists shall not exceed \$60,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 70 – Relief/Anthony Angelillo/Miami-Dade

By Posey

Tied Bills: None

Iden./Sim Bills: CS/HB 293

Committee(s) of Reference: The Special Master on Claim Bills; Criminal Justice

Compensates John Angelillo for injuries and damages sustained as the result of negligence by Miami-Dade County, when the motorcycle he was riding was struck by a Miami-Dade County police car. Based on a settlement agreement, Miami-Dade County has agreed to pay a total of \$450,000, \$200,000 of which has already been paid by the County. The bill awards the amount of \$250,000 and limits attorney's fees, costs, and lobbying fees to \$40,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 76 – Relief/Tunc/Miami Beach

By Criminal Justice; Margolis

Tied Bills: None

Iden./Sim Bills: CS/HB 1043

Committee(s) of Reference: The Special Master on Claim Bills; Criminal Justice

Compensates Claude Tunc, Martine Tunc, and Sandrine Tunc for the death of Stephanie Tunc and for the injuries and damages sustained by Sandrine and her parents as the result of negligence by the City of Miami Beach when a Miami Beach police officer ran over the sisters as they were sunbathing on South Beach. Based on a settlement agreement, the City of Miami has agreed to pay a total of \$1.5 million, \$200,000 of which has already been paid by the City. The bill awards the amount of \$1.3 million and limits attorney's fees, costs, and lobbying fees to \$280,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 80 – Relief/Norka Laureiro/Miami-Dade Co.

By Community Affairs; Diaz de la Portilla

Tied Bills: None

Iden./Sim Bills: CS/HB 629

Committee(s) of Reference: The Special Master on Claim Bills; Community Affairs

Compensates Norka Laureiro for injuries and damages sustained as the result of negligence by a bus driver employed by Miami-Dade County and arising from a collision between Ms. Laureiro's vehicle and a county bus. Based on a settlement agreement, Miami-Dade County has agreed to pay a total of \$1 million, \$900 of which has already been paid by the County. The bill awards the amount of \$999,100 and limits attorney's fees, costs, and lobbying fees to 25% of the award.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 486 – Relief/S. & G. Allen/Tallahassee

By Community Affairs; Oelrich and others

Tied Bills: None

Iden./Sim Bills: CS/HB 237

Committee(s) of Reference: The Special Master on Claim Bills; Community Affairs

Compensates Sheryl D. Allen and George F. Allen for injuries and damages sustained when Mrs. Allen was hit by a City of Tallahassee trailer after a city parade. Based on a settlement agreement, the City of Tallahassee has agreed to pay a total of \$975,000, \$200,000 of which has already been paid by the City. The bill awards the amount of \$775,000. Payment for attorney's fees and costs incurred by the claimant's attorneys is limited to \$117,946. Payment for the professional services and costs of lobbyists advocating for passage of the claim bill is limited to \$7,750.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 816 – OGSR/Public Records Requests/Law Enf. Agencies
By Governmental Operations; Criminal Justice
Tied Bills: None
Iden./Sim Bills: HB 7137
Committee(s) of Reference: Criminal Justice; Governmental Operations

The bill reenacts the public records exemption for:

- A request made by a law enforcement agency to inspect or copy a public record that is in the custody of another agency;
- The custodial agency's response to that public records request; and
- Any information that would identify whether the law enforcement agency has requested or received the public record.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

SB 886 – OGSR/Bldg. Plans & Drawings/Agency
By Military Affairs and Domestic Security; Bullard
Tied Bills: None
Iden./Sim Bills: HB 7135
Committee(s) of Reference: Military Affairs and Domestic Security; Governmental Operations; Rules (W/D)

The bill reenacts and reorganizes the public records exemption for building plans, blueprints, schematic drawings, and diagrams depicting the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by an agency.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

SB 1014 – 2007 Internal Revenue Code Adoption
By Haridopolos
Tied Bills: None
Iden./Sim Bills: HB 7097
Committee(s) of Reference: Finance and Tax

Florida's Corporate Income Tax Code follows the Federal Internal Revenue Code (IRC) by using federal rules and starting with federal taxable income as the tax base for the Florida income tax. This bill allows for administrative simplicity for both the state and for corporations since a corporation will only have to keep one set of books and apply one set of laws.

Florida's Constitution forbids the Legislature from delegating its legislative authority to another body, such as Congress. While the Legislature may adopt federal law by reference, the Legislature may only adopt a law that is in existence when the legislation is passed. Since the IRC usually changes every year, it is necessary for Florida to adopt the most recent version of the IRC each year.

SB 1014 updates the Florida Income Tax Code to reflect the changes Congress made in 2006 to the IRC.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law and operates retroactively to January 1, 2007.

CS/HB 1051 – Property Tax Exemptions for Totally and Permanently Disabled Persons

By Government Efficiency & Accountability Council; Mealor and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1744

Committee(s) of Reference: Government Efficiency & Accountability Council; Policy & Budget Council (W/D)

Unless expressly exempted, all real and personal property belonging to residents of Florida is subject to taxation. Current statute provides that any real estate used and owned as a homestead by a totally and permanently disabled person, who is legally blind, is exempt from taxation. The person applying for the exemption must provide certification of disability from two physicians.

This bill authorizes optometrists to certify disability based on legal blindness for the purpose of a tax exemption on homestead property. It still requires one of the two persons certifying the disability due to legal blindness to be a physician.

This bill also provides the language and form of an optometrist's certification for purposes of this section of law.

Subject to the Governor's veto powers, this bill has an effective date of July 1, 2007.

SB 1308 (Ch. 2007-8, L.O.F.) – Cooperative Agreement Trust Fund

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 7053

Committee(s) of Reference: Transportation and Economic Development Appropriations

This bill re-designates the Cooperative Agreement Trust Fund, FLAIR number 62-2-039, within the Department of Military Affairs (DMA) as the Federal Grants Trust Fund, and terminates the Jefferson County Project Trust Fund, FLAIR number 55-2-418, within the Department of Transportation. It amends s. 250.175(4)(a), F.S.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-8, L.O.F. The effective date of this bill is July 1, 2007.

SB 1310 (Ch. 2007-9, L.O.F.) – Emergency Response Trust Fund

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 7039

Committee(s) of Reference: Transportation and Economic Development Appropriations

This bill continues the Emergency Response Trust Fund, FLAIR number 62-2-087, which is administered by the Department of Military Affairs. It amends s. 250.175(2)(a), F.S.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-9, L.O.F. The effective date of this bill is July 1, 2007.

CS/HB 1315 – Local Government Boundaries

By Government Efficiency & Accountability Council; Hasner & others

Tied Bills: None

Iden./Sim Bills: CS/SB 2752

Committee(s) of Reference: Government Efficiency & Accountability Council; Policy & Budget Council

CS/HB 1315 extends and enlarges the boundaries of Broward County to include certain lands transferred from Palm Beach County, and thereby reduces the boundaries of Palm Beach County. The bill annexes a portion of this property into the City of Parkland in Broward County. Additionally, the bill provides for the continuation of certain land use and regulations, and the effectiveness of development orders, permits and licenses pertaining to the subject property. It also provides for the transfer of roads and rights-of-way; provides for the continuation of contracts; supersedes provisions of chs. 96-542 and 99-447, L.O.F., relating to municipal annexation of unincorporated lands in Broward County for the purposes of the act; provides for the payment or apportionment of the public debt pursuant to an interlocal agreement between the two counties; and provides for the severability of the act's provisions.

Subject to the Governor's veto powers, the effective date of this bill is contingent on the approval of a comprehensive plan amendment by the Department of Community Affairs which would delete the extensions of two Palm Beach County roads, or the successful abandonment of such by the county.

CS/SB 1320 (Ch. 2007-14, L.O.F.) – Trust Funds/DOR/DFS

By General Government Appropriations; Alexander

Tied Bills: None

Iden./Sim Bills: HB 7053

Committee(s) of Reference: General Government Appropriations

This bill makes changes to certain trust funds pursuant to s. 215.3206, F.S., which requires a legislative review of each of the trust funds in an agency subject to the four year review cycle. The bill provides for termination or modification of specified trust funds within the Department of Revenue (DOR) and the Department of Financial Services (DFS).

This bill terminates three trust funds within the DOR and renames one trust fund within the DFS.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-14, L.O.F.

The Operations Trust Fund is created within the Department of Revenue, effective July 1, 2008. The effective date of this bill is July 1, 2007, except where otherwise noted.

SB 1322 (Ch. 2007-15, L.O.F.) – Operations Trust Fund/ DOR

By Alexander

Tied Bills: None

Iden./Sim Bills: CS/HB 7049

Committee(s) of Reference: General Government Appropriations

This bill creates the Operations Trust Fund within the Department of Revenue. The trust fund will receive funds to be used for the general operation of the General Tax Administration Program, which is responsible for remittance and distribution of multiple taxes in Florida. These funds are currently deposited into designated clearing accounts. The trust fund is created to meet the established standards of the Governmental Accounting Standards Board set forth in s. 215.32, F.S.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-15, L.O.F. The effective date of this bill is July 1, 2008.

SB 1324 (Ch. 2007-16, L.O.F.) – Federal Grants Trust Fund/ DOR

By Alexander

Tied Bills: None

Iden./Sim Bills: HB 7055

Committee(s) of Reference: General Government Appropriations

This bill creates the Federal Grants Trust Fund within the Department of Revenue. The trust fund will be for allowable grant activities funded by restricted program revenues. Funds that will be credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds. The trust fund is created to meet the established standards of the Governmental Accounting Standards Board set forth in s. 215.32, F.S.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-16, L.O.F. The effective date of this bill is July 1, 2008.

CS/HB 1405 – Pub. Rec./Donors to Publicly Owned House Museums

By Government Efficiency & Accountability Council; Bullard

Tied Bills: None

Iden./Sim Bills: CS/SB 2772

Committee(s) of Reference: Government Efficiency & Accountability Council

The bill creates a public records exemption for information that identifies a donor or prospective donor to a publicly owned house museum that is designated as a National Historic Landmark by the United States Department of the Interior. It provides for future review and repeal of the exemption and provides a public necessity statement.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**SB 1452 – OGSR/Public Service Tax
By Communications and Public Utilities****Tied Bills: None****Iden./Sim Bills: HB 7129****Committee(s) of Reference: Communications and Public Utilities; Governmental Operations; Rules (W/D)**

Prior to 2000, municipalities assessed taxes on telecommunications companies pursuant to the Public Service Tax statute. To ensure proper payment of the tax, the statute authorized municipalities to audit relevant company records. In addition, the statute contained a public records exemption for any proprietary confidential business information received during the course of the audit.

In 2000, the Communication Service Tax (CST) was created and the Public Service Tax on telecommunications was subsumed into the CST; however, all of the Public Service Tax audits had not been conducted. In order to transition from one tax to the other, temporary audit authority was granted and a public records exemption was created.

The transition period has ended. As such, the bill repeals the temporary audit authority and the accompanying public records exemption.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/SB 1488 – Retirement**By Governmental Operations; Governmental Operations****Tied Bills: None****Iden./Sim Bills: HB 7105****Committee(s) of Reference: Governmental Operations; General Government Appropriations**

The bill merges the supplemental retirement program of the Institute of Food and Agricultural Sciences at the University of Florida into the Florida Retirement System (FRS). This merger addresses funding insufficiencies with the supplemental program that otherwise would have been expected to continue, and eliminates the need to annually raise the employer contribution rate or provide an annual appropriation to fund the benefit.

In addition, the bill defines "retiree" for purposes of determining eligibility for retiree health insurance. This change requires members of the FRS investment plan to meet the same requirements as defined benefit participants in order to qualify for retiree health insurance.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1489 – Public Project Construction**By Government Efficiency & Accountability Council; Aubuchon and others****Tied Bills: None****Iden./Sim Bills: CS/CS/SB 2376****Committee(s) of Reference: Government Efficiency & Accountability Council**

CS/HB 1489 revises the requirements for a contractor's bond for constructing a public building. The bill provides that for a contract in excess of \$250 million, if the public entity finds that a bond in the amount of the contract is not reasonably available, the public entity may set the amount of the bond at the largest amount reasonably available, but not less than \$250 million. For construction-management or design-build contracts, the bond may not be conditioned on the performance or payment of nonconstruction services, if those services are excluded from the amount of the bond.

The bill also allows local governments to procure the services of a construction-management or project-management entity, pursuant to s. 287.055, F.S. Local governments may require a guaranteed maximum price and guaranteed completion date or a lump-sum price and a guaranteed completion date. For projects that contain substantially similar construction, rehabilitation, or renovation activities, the political subdivision may require a separate guaranteed maximum price or a lump-sum price and a separate guaranteed completion date for each grouping of substantially similar construction, rehabilitation, or renovation activities included within the project.

Further, the bill amends s. 287.055(9)(c), F.S., to clarify that a guaranteed maximum price and guaranteed completion date is established subsequent to competitive negotiations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1848 – OGSR/DFS Info./Unclaimed or Abandoned Property

By Banking and Insurance; Banking and Insurance

Tied Bills: None

Iden./Sim Bills: HB 7133

**Committee(s) of Reference: Banking and Insurance; Governmental Operations;
Rules (W/D)**

The bill reenacts and reorganizes the public records exemption for social security numbers and financial account numbers contained in reports of unclaimed property. It replaces the term "financial account numbers" with the more accurate term "property identifier," which is defined to mean "the descriptor used by the holder to identify the unclaimed property." In addition, the bill provides for future review and repeal of the exemption and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

SB 1852 – OGSR/Consumer Complaints/Inquiries

By Banking and Insurance

Tied Bills: None

Iden./Sim Bills: HB 7153

**Committee(s) of Reference: Banking and Insurance; Governmental Operations;
Rules (W/D)**

Consumers may file complaints with, or make inquiries to, the Department of Financial Services (DFS) or the Office of Insurance Regulation (OIR) concerning an insurance company or other entity regulated by DFS or OIR under the Florida Insurance Code. Current law provides a public records exemption for financial account numbers and other

personal financial and health information held by DFS or OIR relating to a consumer's complaint or inquiry. This exemption, however, does not protect the release of the same information held by the Division of Workers' Compensation although consumers provide such information to the division, which is located in DFS.

The bill reenacts and expands the public records exemption to include personal financial and health information provided by consumers to the Division of Workers' Compensation of DFS for the purpose of resolving disputes and complaints of employees. It provides for future review and repeal of the exemption and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

SB 1950 – OGSR/Parental ID/Leaving Newborn

By Children, Families, and Elder Affairs; Lynn

Tied Bills: None

Iden./Sim Bills: HB 7131

Committee(s) of Reference: Children, Families, and Elder Affairs; Governmental Operations; Rules (W/D)

The bill reenacts the public records exemption for the identity of a parent who leaves a newborn infant at a hospital, emergency medical services station, or fire station. A newborn infant is a child that a licensed physician reasonably believes to be approximately three days old or younger at the time the child is left at the hospital, emergency medical services station, or fire station.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/ SB 1972 – Leases/Private Property/State Agency

By General Government Appropriations; Governmental Operations; Governmental Operations

Tied Bills: None

Iden./Sim Bills: CS/HB 7143

Committee(s) of Reference: Governmental Operations; General Government Appropriations

CS/CS/SB 1972 relates to the leasing of private property by state agencies. By creating a definition of the term "competitive solicitation" to include invitations to negotiate, and using the term in ss. 255.249 and 255.25, F.S., this bill provides for state agency use of invitations to negotiate when soliciting for leased space in privately owned buildings. An invitation to negotiate may be used only if an invitation to bid or request for proposal will not result in the best value to the state.

The bill also authorizes the Department of Management Services (DMS) and state agencies to contract for real estate consulting or tenant brokerage under specified circumstances.

Annual submittal of a master leasing report by DMS to the Office of the Governor and the Legislature setting forth specified information is also required by the bill. The bill

further requires DMS to create and implement a strategic leasing plan to be submitted annually with the master leasing report.

The bill further requires state agencies to do the following:

- Annually provide a report to DMS setting forth specified information as it relates to the agencies current situation and leasing needs.
- Consult with DMS regarding opportunities for consolidation, use of state-owned space, build-to-suit space, and potential acquisitions.
- Obtain prior approval from DMS for amendments to agency leases.

The bill permits state agencies to utilize the tenant broker currently under contract with DMS, with prior written approval of DMS, from the effective date of the bill until the contract end date of October 15, 2007. The bill further provides that funds generated through the payment of commissions by third party landlords for the services provided by the current tenant broker under contract with DMS shall be deposited into a trust fund of DMS and distributed to the tenant broker through the appropriations process.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 2224 – Local Governments/Authorized Investments

By Rich and others

Tied Bills: None

Iden./Sim Bills: HB 1339

Committee(s) of Reference: Community Affairs; Governmental Operations

Since 1988, the State Board of Administration has been authorized to invest a portion of the funds available for investment, which is no more than 25 percent of any fund, in rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel. SB 2224 amends s. 218.415(16), F.S., which enumerates the types of investments in which local governments may invest and reinvest any surplus public funds. The bill authorizes local governments to invest surplus public funds in instruments backed by the full faith and credit of the government of Israel.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 2394 (Ch. 2007-24, L.O.F.) – Audit & Warrant Clearing Trust Fund/ DOR

By Alexander

Tied Bills: None

Iden./Sim Bills: HB 7051

Committee(s) of Reference: General Government Appropriations

This bill creates the Audit and Warrant Clearing Trust Fund within the Department of Revenue. The trust fund will be used as a depository for audit receipts, warrant receipts, and governmental leasehold receipts subsequently distributed annually to local school boards. These funds are currently deposited to the Department's Administrative Trust Fund. The trust fund is created to meet the established standards of the Governmental Accounting Standards Board set forth in s. 215.32, F.S.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-24, L.O.F. The effective date of this bill is July 1, 2007.

CS/SB 2482 – Tax Administration**By Finance and Tax; Haridopolos****Tied Bills: None****Iden./Sim Bills: HB 7213****Committee(s) of Reference: Finance and Tax; General Government Appropriations (W/D)**

The bill enacts the recommendations of the Department of Revenue (DOR) for changes in the administration of the tax laws. The bill makes administrative changes to general tax administration (GTA), and provides ad valorem tax relief to homeowners whose homes were damaged by the February 2007 tornado and sales tax relief to permanent residents who were forced to replace their mobile homes as a result of the December 25, 2006 and February 2007 tornadoes. Changes to the following specific taxes include:

Ad valorem taxation: clarifies that conservation easements survive property tax deeds and that tax warrants are subordinated liens entitled to participation in the disbursement of mortgage foreclosure surplus; extends to January 1, 2008 the date by which homesteads rendered uninhabitable by a named storm in 2004 must commence repairs; provides that property owned by an LLC in which the sole member is an exempt entity is treated as if the property were owned directly by the exempt entity; requires property appraisers to set forth specific requirements an applicant failed to meet in order to qualify for an exemption; permits property owned by an exempt entity to be deemed to be used for religious purposes as soon as the entity takes certain affirmative steps.

Communications services tax (CST): clarifies the procedures for DOR to administer resale certificates issued to dealers. requires DOR to make adjustments to the proceeds of the CST distributed under s. 202.18, F.S., necessary to reflect the proper amounts due to various jurisdictions; removes the authority under which local governments were allowed to adopt certain “emergency rates;” provides for distribution of penalties collected pursuant to s. 202.28(2); requires entities remitting \$20,000 in total annual taxes to the DOR to file electronically.

Corporate income tax (CIT): requires corporations which must file electronically with the IRS to file electronically with the State of Florida. requires taxpayers with annual tax remittance of \$20,000 in total annual taxes to file and remit taxes electronically with the DOR.

Estate tax: eliminates the requirement that Florida estates file zero estate tax returns when tax is due for decedents dying before January 1, 2011.

Fuel tax: gives DOR the authority to issue temporary motor fuel licenses during periods of declared disaster or national emergency.

Insurance premium tax (IPT): permits DOR to issue automated credits or refunds for an overpayment of insurance premium tax, even when a refund has not been requested by the taxpayer.

Sales and use tax (SUT): clarifies: (a) that the definition of a taxable “service warranty” excludes contracts to repair, maintain, or replace tangible personal property if the repair qualifies for a sales tax exemption; (b) the definition of qualified aircraft includes leased

aircraft; (c) that certain delivery charges are exempt from taxation; and (d) how the DOR may compute applicable divisors to be used for determining the sales tax rate in coin operated amusements and vending machines. It establishes a notice process for documenting a taxpayer's intentional failure or refusal to register and collect sales tax and imposes penalties for failure to comply with or contest the notice; permits voluntary sampling of voluminous fixed asset records; and requires taxpayers with an annual tax remittance of \$20,000 or more to file and remit taxes electronically with the DOR.

Severance tax: adopts the current producer price index commodity code for phosphate rock, which will allow the DOR to calculate the tax rate without annual rulemaking.

Unemployment tax (UT): this tax is now subject to many of the provisions of Chapter 213, F.S., including the Taxpayer's Bill of Rights. DOR is given specific authority for rule making concerning common paymasters, authority to assess penalties through the date of issuance of a final notice of assessment for delinquent unemployment tax returns; and is authorized to bill the Agency for Workforce Innovation for full reimbursement of DOR's indirect costs associated with the collection of UT.

The DOR is given authority to waive service fees for dishonored tax payments when it can establish that there was an unintentional error by a financial institution, taxpayer or the DOR, the bill adds criminal provisions which cover prima facie intent when an EFT transfer to the DOR is made knowing that the remitter does not have sufficient funds on deposit; the GTA program is permitted to disclose confidential taxpayer information to the Child Support Enforcement (CSE) program for administering child support with the information remaining confidential in the hands of CSE; and DOR is authorized to commence a pilot program with financial institutions to data match in order to collect tax warrants or judgment liens. Taxpayers who remit \$20,000 or more annually to the DOR are required to file electronic returns for CST, CIT, IPT, SUT, Gross Receipts, Solid Waste, Rental Car Surcharge; Oil and Gas Production, Pollutants, Gas and Sulfur production; and Fuel taxes.

Subject to the Governor's veto powers, the effective date of this bill is, except as otherwise expressly provided, this act shall take effect July 1, 2007.

HB 7085 – Retirement

By Government Efficiency & Accountability Council; Grant

Tied Bills: None

Iden./Sim Bills: CS/SB 1490; SB 1426

Committee(s) of Reference: Policy & Budget Council

This bill amends s. 121.71, F.S., to revise the Florida Retirement System (FRS) employer contribution rates that are scheduled to become effective July 1, 2007; thereby, continuing the current year rates that became effective July 1, 2006. In addition, the bill establishes new rates to become effective on July 1, 2008. The rates proposed for July 1, 2008, are based on the results as calculated by the actuary in the normal rates study dated December 2006.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7127 – OGSR/Public Employee Optional Retirement Program/DMS/SBA**By Government Efficiency & Accountability Council; Attkisson****Tied Bills: None****Iden./Sim Bills: SB 1492****Committee(s) of Reference: House Calendar**

The bill reenacts the public records exemption for personal identifying information of a participant in the Public Employee Optional Retirement Program, contained in Florida Retirement System records, held by the State Board of Administration or the Department of Management Services.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

HB 7167 (Ch. 2007-26, L.O.F.) – Municipal Incorporation**By Government Efficiency & Accountability Council; Robaina****Tied Bills: None****Iden./Sim Bills: CS/SB 2848****Committee(s) of Reference: House Calendar**

HB 7167 creates an unnumbered section of general law which provides that any municipality formed since January 1, 2000, and any municipality formed on or after the effective date of the bill may not pay any charge, assessment, tax, fee or other consideration as a condition for allowing the citizens of an area to incorporate and self-govern. The provisions of the bill would prevent any county, including Miami-Dade County, from charging any kind of mitigation payment or fee to any new municipality, and would eliminate any current mitigation payments from any municipality formed since January 1, 2000. The cities of Miami Lakes, Doral, and Palmetto Bay within Miami-Dade County, all formed since January 1, 2000, currently make a mitigation payment to Miami-Dade County.

This bill was signed into law on May 4, 2007, by the Governor, Ch. 2007-26, L.O.F. The effective date of this bill is July 1, 2007.

HB 7183 – Rules and Rulemaking**By Government Efficiency & Accountability Council; Homan****Tied Bills: None****Iden./Sim Bills: CS/CS/SB 1592; HB 7179; CS/SB 1594****Committee(s) of Reference: Policy & Budget Council**

This bill revises provisions in the Administrative Procedure Act (APA), codified in ch. 120, F.S., relating to unadopted agency rules. The bill creates incentives for agencies to adopt rules and for affected persons to challenge unadopted rules by:

- Prohibiting agency reliance on an unadopted rule while a challenge is pending;
- Bolstering the ability of the Joint Administrative Procedures Committee to examine unadopted agency rules; and
- Increasing the cap on the award of attorney fees from \$15,000 to \$50,000 and providing a cap on the award of attorney fees for challenges to unadopted rules.

The bill also modifies provisions of the APA concerning the incorporation by reference of materials into agency rules. In addition to technical or administrative refinements to ch. 120, F.S., the bill makes the following significant changes:

- Provides definitions of the terms “law implemented” and “rulemaking authority”;
- Provides additional requirements for the use of material that is being incorporated by reference in rules;
- Requires electronic publication of the Florida Administrative Code;
- Provides for material incorporated by reference to be filed in electronic form, unless doing so would constitute a violation of federal copyright law; and
- Provides that if an agency head is a board or other collegial body, then the agency head may not delegate the responsibility to conduct requested public hearings.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

HB 7187 – OGSR/Examination & Investigation Reports/DFS & Office of Insurance Regulation

By Government Efficiency & Accountability Council; Attkisson

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1850

Committee(s) of Reference: House Calendar

The bill reenacts, with changes, the public records exemption for work papers and other information held by the Department of Financial Services (DFS) or the Office of Insurance Regulation (OIR) for use by DFS or OIR in the performance of its examination or investigation duties. The bill provides for release of confidential and exempt work papers once an examination report is filed or an investigation is completed or ceases to be active, provided that disclosure would not reveal certain categories of information. Finally, it reorganizes the exemption, provides a definition of work papers, removes superfluous language, and makes clarifying changes.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2007.

HB 7193 – Pub. Rec./U.S. Census Bureau Address Information

By Government Efficiency & Accountability Council; Attkisson

Tied Bills: None

Iden./Sim Bills: CS/SB 632

Committee(s) of Reference: House Calendar

The bill creates a public records exemption for U.S. Census Bureau address information held by an agency pursuant to the Local Update of Census Addresses Program (LUCA program). Confidential and exempt address information may be released to another agency or governmental entity in the furtherance of its duties and responsibilities under the LUCA program.

The bill also authorizes agency access to any other confidential or exempt information held by another agency if access is necessary for the receiving agency to perform its duties and responsibilities under the LUCA program.

The bill provides for future review and repeal of the exemption and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HB 7197 – OGSR/Social Security Numbers and Financial Account Numbers

By Government Efficiency & Accountability Council; Attkisson

Tied Bills: None

Iden./Sim Bills: CS/SB 1468; includes part of HB 7125; includes part of SB 1348

Committee(s) of Reference: House Calendar

The bill reenacts the general public records exemption for social security numbers and bank account, debit, charge, and credit card numbers, held by an agency. It repeals a duplicative exemption for credit card numbers. In addition, the bill transfers to a new section of law those public records exemptions related to court records and official records.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

HB 7201 – Pub. Rec./Economic Development Agencies

By Government Efficiency & Accountability Council; Attkisson

Tied Bills: None

Iden./Sim Bills: CS/SB 1182

Committee(s) of Reference: House Calendar

Currently, a company's plans, intentions, and interests to locate, relocate, or expand its business activities in Florida are confidential and exempt from public disclosure for 12 months. Also, certain business information associated with economic incentive programs is confidential and exempt.

The bill combines and reorganizes these two public records exemptions into one section of law. It creates five distinct categories of public records exemptions related to the administration of economic development by state and local governments. The categories were created primarily to distinguish between the types of information held confidential and exempt and the duration of the exemption applicable to each category.

In addition, the bill creates definitions, provides for future review and repeal of the exemption, and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Audit & Performance

CS/CS/SB 1624 – Insurance/Public Construction Projects

By General Government Appropriations; Banking and Insurance; Bennett

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 843

**Committee(s) of Reference: Government Operations; Banking and Insurance;
General Government Appropriations**

CS/CS/SB 1624 restricts the use of an owner-controlled insurance program (OCIP) for a public construction project.

The law currently prohibits state and local governments constructing public works from requiring a contractor or subcontractor to participate in an OCIP, with certain exceptions. Specifically, current law provides that an OCIP must meet a \$75 million threshold in order for the construction project to be eligible to use an OCIP.

The bill provides that a capital infrastructure improvement program for which the OCIP is used must be for a single public service, system, or facility cannot be combined with another public agency service, system, facility, or other public work to meet \$75 million threshold unless the services, systems, facilities, or other public works are part of:

- A capital infrastructure improvement program that will be performed under a single prime contract; or
- An interrelated capital infrastructure improvement program that interconnects the housing or transportation of persons or cargo arriving via an airport or seaport, when the combined estimated costs of the construction projects exceed \$125 million.

The bill requires an OCIP to provide completed operations coverage for at least 10 years as opposed to the 5 years provided for in current law.

The bill also authorizes general contractors and subcontractors working under a construction project to combine their payrolls under the owner-controlled insurance program to satisfy eligibility requirements for large deductible workers' compensation rating plans if the deductible is \$100,000 or more and the standard premium is \$500,000 or more.

Owner-controlled insurance programs issued prior to October 1, 2007 are exempt from the provisions of the bill.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/CS/SB 1974 – State Information Technology

By General Government Appropriations; Governmental Operations; Governmental Operations; Lynn and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1557

Committee(s) of Reference: Governmental Operations; General Governmental Appropriations

The bill creates the Agency for Enterprise Information Technology (AEIT) within the Executive Office of the Governor. The executive director of AEIT is the state chief information officer (SCIO) of the state and the executive sponsor for all IT projects. AEIT will have the following responsibilities and duties:

- Develop and implement strategies for the design, delivery, and management of IT services for executive branch agencies;
- Make recommendations to the SCIO and Legislature concerning other IT services that should be designed, delivered, and managed;
- Develop a work plan describing the activities the AEIT intends to undertake and the proposed outcomes;
- Develop policy recommendations and implementation plans for current and proposed IT services; and
- Assess and recommend minimum operating procedures for ensuring an adequate level of security for all data and IT resources for executive branch agencies.

The bill also:

- Removes the Technology Resource Center (TRC) from the State Technology Office (STO);
- Establishes the TRC in the Department of Management Services (DMS);
- Requires AEIT to designate a chief information security officer;
- Provides for DMS to assume the duties and responsibilities of STO;
- Requires AEIT to publish annually, no later than September 30 each year, standards, templates, guidelines, and procedures to enable agencies to incorporate them in their planning for the following fiscal year;
- Requires AEIT to develop implementation plans for up to three of the proposed enterprise IT services beginning fiscal year 2008-2009; and
- Requires each agency head to develop written internal policies and procedures for notifying AEIT when an information security incident occurs or data is compromised.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Military & Veterans' Affairs

CS/SB 116 – Robert A. Wise Military Protection Act

By Commerce; Atwater and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1159

Committee(s) of Reference: Military Affairs and Domestic Security; Commerce

Since 1967, s. 540.08, F.S., has prohibited the use of a person's name or likeness "for purposes of trade or for any commercial or advertising purpose" without express consent of the person or the person's lawful representative. This provision has long been interpreted by the courts to prohibit the unauthorized use of a person's name or likeness to directly promote a product or service because of the way that the use associates the person's name or personality with something else. The statute lists specific exceptions to the prohibition, including exceptions for uses protected by the First Amendment of the United States Constitution. The statute also creates a civil cause of action against any person violating the statute and allows the courts to award a prevailing plaintiff damages for any loss or injury, reasonable royalties, and punitive damages.

This bill amends s. 540.08, F.S., to increase the statutory civil penalties for using the name or image of a member of the armed forces for commercial purposes if the use is without consent or not otherwise permitted by law. Specifically, the amendment authorizes a court to impose a civil penalty of up to \$1,000 per violation in addition to any other existing civil remedies. The bill also defines the term "member of the armed forces" as an officer or enlisted member of the Army, Navy, Air Force, Marine Corps, Coast Guard, Florida National Guard, and United States Reserve Forces, including any officer or enlisted member who died as a result of injuries sustained in the line of duty.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 122 – Child Custody/Not Modifying Child Custody

By Judiciary; Posey

Tied Bills: None

Iden./Sim Bills: CS/HB 435

Committee(s) of Reference: Judiciary; Military Affairs and Domestic Security

This bill creates a new section of law, s. 61.13002, F.S., to govern modifications of child custody orders while a parent is deployed on active military service.

Currently, child custody orders may be modified by the courts only if the party seeking modification shows (1) that the circumstances have substantially and materially changed since the original custody determination and (2) that the child's best interests justify changing custody. Further, the substantial change must be one that was not reasonably contemplated at the time of the original judgment. In a child custody modification proceeding, there is a presumption in favor of the custodial parent and the non-custodial parent seeking modification bears an extraordinary burden. Paramount in modification of custody is the best interest of the child, rather than the best interest of any particular parent or relative.

The new section created by this bill provides that if a supplemental petition to modify or a motion for change of child custody and parental responsibility is filed during the time a parent is activated to military service, deployed, or temporarily assigned as part of the parent's military service, and the parent's ability to continue as the primary caretaker of a minor child is materially effected, the court may not issue an order or modify or amend a previous judgment or order that changes custody as it existed on the date the parent was activated to military service, deployed, or temporarily assigned as part of the parent's military service. However, a court may enter a temporary order to modify or amend custody if there is clear and convincing evidence that the temporary modification or amendment is in the best interests of the child. Under current Florida case law, "clear and convincing" evidence is an intermediate standard that requires the evidence to be credible, clear, and lacking in confusion such that the trier of fact is convinced of the matter's truthfulness without hesitancy. In other words, the quantum of proof necessary must be more than a "preponderance of the evidence" but the proof need not be "beyond and to the exclusion of a reasonable doubt".

The new section further provides that when entering a temporary order, the court must consider and provide for, if feasible, contact between the military service member and his or her child including, but not limited to, electronic communication by webcam, telephone, or other available means. The court must also permit liberal time-sharing during periods of leave from military service as it is in the child's best interests to maintain the parent-child bond during the parent's military service. If a temporary order is issued, the court must reinstate the custody judgment or order previously in effect upon the parent's return from active military service, deployment, or temporary assignment.

Lastly, the new section specifies that s. 61.13001, F.S., governs permanent change of station moves by military personnel.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 156 – Veterans Defined/Wartime Service

By Governmental Operations; Military Affairs and Domestic Security; Geller

Tied Bills: None

Iden./Sim Bills: CS/HB 37

Committee(s) of Reference: Military Affairs and Domestic Security; Governmental Operations

This bill amends the current statutory definition of "veteran" in s. 1.01(14), F.S. As a result, veterans who served during Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF), but were not deployed into an area of operation, are eligible for wartime service benefits.

Currently, s. 1.01(14), F.S., includes a general definition of the term "veteran" that is used in determining eligibility of veterans for benefits provided by the state. Under the current definition, a person who has served in the active military, naval, or air service and who has been discharged or released from active duty under honorable conditions is eligible for standard veterans' benefits. A veteran is eligible for enhanced benefits for wartime service if the veteran served in a campaign or expedition for which a campaign badge has been authorized or served during a period of wartime service specified in the

definition. Wartime service benefits include: potential credits with the Florida Retirement System; government employment hiring and retention preferences; nursing home admittance preferences; a local business tax exemption; and, an additional homestead property tax exemption.

Under the current definition, a veteran who was deployed into an area of operation during OEF or OIF, and who received a campaign badge, is eligible for all standard veterans' benefits as well as enhanced wartime service benefits. However, a veteran who served on active duty during OEF or OIF without being deployed into an area of operation is eligible for standard veterans' benefits but not wartime service benefits.

As a result of this bill, veterans who served during OIF or OEF, but were not deployed into an area of operation, will be eligible for wartime service benefits. Veterans who were deployed abroad into an area of operation in either OEF or OIF are eligible for all veteran benefits, including wartime service benefits, under current law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 699 – Preference in Public Employment for Veterans

By Sachs and others

Tied Bills: None

Iden./Sim Bills: CS/SB 728

**Committee(s) of Reference: Government Efficiency & Accountability Council;
Military & Veterans' Affairs; Policy & Budget Council**

Currently, s. 295.07, F.S., requires state government entities, counties, cities, towns, villages, special tax school districts, and special districts to grant employment preferences in hiring and retention to certain veterans and spouses of veterans who are Florida residents. The preference applies to all vacant positions within those government entities except positions that are specifically exempt. Under s. 295.101, F.S., a veteran's employment preference expires after an eligible person has applied and been employed by state government, a county, city, town, village, special tax school district, or special district.

This bill repeals s. 295.101, F.S. As a result, if a person claims a veterans' preference, and is employed by a government entity, that person may claim a veterans' preference when applying for non-exempt government positions in the future.

The bill does not require government employers to create new positions for eligible persons, or affect the veterans' preferences for promotions or reinstatements. Further, the bill does not affect private employers in any way because private employers are not subject to veterans' preference hiring requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 1026 – Ad Valorem Tax/Disabled Veterans

By Finance and Tax; Community Affairs; Haridopolos and others

Tied Bills: None

Iden./Sim Bills: HB 7115

Committee(s) of Reference: Community Affairs; Finance and Tax

An amendment to article VII, section 6 of the Florida Constitution was approved by the voters in the November 2006 general election to provide a discount on ad valorem taxes to certain veterans. This bill implements the amendment and, consistent with the amendment, provides that each partially or totally disabled veteran who is age 65 or older may receive an ad valorem discount on homestead property if the veteran: has a disability that is combat related, was a resident of the state of Florida when entering military service, and was honorably discharged from military service. The discount equals the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs.

To qualify for the discount, a veteran must, by March 1, submit to the property appraiser: proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs that states the percentage of the veteran's disability and evidence that the disability is combat related, a copy of the veteran's honorable discharge, and proof of age. A veteran who is otherwise entitled to the discount but who misses the March 1 deadline may petition the value adjustment board requesting the discount under the same procedure used by a person who misses the application deadline for a homestead exemption. The property appraiser must notify the applicant in writing of the reasons for denying an application for the discount by July 1 of the year for which the application was filed. The veteran may reapply in a subsequent year using the same procedure. All notifications from the property appraiser must specify the right to appeal to the value adjustment board.

The bill provides procedures for property appraisers to apply the discount. It allows a county to waive the requirement that a veteran reapply annually for the discount. If reapplication is waived, the veteran is subject to certain penalties for failing to notify the property appraiser of a change in eligibility for the discount.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law and shall apply retroactively to December 7, 2006.

SB 1448 – Service Members/Dependent Assistance

By Military Affairs and Domestic Security; Crist

Tied Bills: None

Iden./Sim Bills: HB 1119

Committee(s) of Reference: Military Affairs and Domestic Security; Transportation and Economic Development Appropriations

Currently, s. 295.5206, F.S., establishes the Family Readiness Program within the Department of Military Affairs (DMA) and authorizes the DMA to provide need-based emergency financial assistance to beneficiaries and dependents of service members of the Florida National Guard and United States Reserve Forces, including the Coast Guard Reserves, while the service members are on active duty serving in the Global War on Terrorism and federally deployed or are participating in state operations for homeland defense. Financial assistance may be provided to family members to purchase critically needed services, including, but not limited to, reasonable living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs, and health care. Service members who are unmarried and do not have dependents are not eligible for financial assistance under the program. Since the

program's inception in 2005, the DMA has awarded approximately \$517,000 to eligible family members under the Family Readiness Program.

While current law authorizes financial assistance to the family of a service member who is deployed on active duty or participating in state operations for homeland security, this bill authorizes financial assistance to beneficiaries and dependents of a service member for up to 120 days after the service member is released from active duty and returned to his or her home of record.

Currently, s. 295.5206(6), F.S., requires the inspector general of the DMA to conduct a monthly audit review of the program. This bill removes the requirement for a monthly audit review but requires the inspector general to conduct a semiannual review and an annual audit of the program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SM 1698 – People of Darfur/Peace

By Margolis and others

Tied Bills: None

Iden./Sim Bills: HM 931

Committee(s) of Reference: Military Affairs and Domestic Security

The memorial provides a historical overview of the situation in Darfur. On May 8, 2006, President Bush stated, "we will call genocide by its rightful name, and we will stand up for the innocent until the peace of Darfur is secured." On May 15, 2006, then United Nations Secretary-General Kofi Annan described the ongoing crisis in Darfur as "the world's worst humanitarian crisis," hundreds of thousands of people have died and more than 2.5 million have been displaced in Darfur since 2003.

The memorial supports the principles of the Addis Ababa Agreement of November 17, 2006; the deployment of an African Union-United Nations peacekeeping force under the command and control of the United Nations as the minimum acceptable effort of the international community; and the strengthening of the African Union peacekeeping mission in Sudan.

The memorial calls upon the government of Sudan to allow the implementation of the United Nations light and heavy support packages as provided for in the Addis Ababa Agreement; work with the United Nations and the international community to deploy United Nations peacekeepers to Darfur; and adhere to the Joint Statement issued by Governor Bill Richardson and President Omar Hassan Al-Bashir on January 10, 2007.

The memorial urges the President to continue work with other members of the international community; ensure the ability of any peacekeeping force deployed to Darfur to carry out its mandate; vigorously pursue, in cooperation with other members of the international community, strong punitive action against those persons responsible for crimes against humanity; and make all necessary efforts to address the widespread incidents of gender-based violence in Darfur.

The memorial calls upon Congress, the leadership in Congress, and the Florida delegation to provide all necessary funding and support for United Nations and African Union peacekeeping operations in Darfur and affected areas of Chad and the Central

African Republic; conduct sufficient oversight of actions by the United States administration continue to monitor the conflict and political processes.

The memorial urges Congress to do all in its power to further the goals expressed in this memorial in order to bring lasting peace to the people of Darfur.

Copies of the memorial will be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Committee on State Affairs

CS/HB 73 – Labor Organizations

By Government Efficiency & Accountability Council; Allen and others

Tied Bills: None

Iden./Sim Bills: CS/SB 128

**Committee(s) of Reference: Government Efficiency & Accountability Council;
State Affairs**

The bill is designated the "Florida Highway Patrol Sergeant Nicholas Sottile Act." It provides that state law enforcement agencies with 1,200 or more officers must be in a bargaining unit separate from officers in other state law enforcement agencies. Accordingly, the bill separates Florida Highway Patrol officers from the general state law enforcement bargaining unit.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 547 – Employment Requirements for Law Enforcement Personnel

By Patterson

Tied Bills: None

Iden./Sim Bills: SB 472

**Committee(s) of Reference: Government Efficiency & Accountability Council;
State Affairs**

The bill requires a law enforcement officer, correctional officer, or correctional probation officer, upon entering into service as such officer, to successfully pass a physical examination in order to presumptively claim that his or her tuberculosis, heart disease, or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty. It also authorizes an agency that employs law enforcement personnel to establish standards regarding the use of tobacco.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/SB 830 – HSMV Records/Public Disclosure

By Transportation; Baker and others

Tied Bills: None

Iden./Sim Bills: HB 1545

Committee(s) of Reference: Transportation; Governmental Operations

Current law provides a public records exemption for personal information contained in a motor vehicle record that identifies the subject of that record. It does not include information relating to vehicular crashes, driving violations, and driver's status.

The bill expands the exemption to include personal information that identifies an individual regardless of whether the individual is the subject of that record. It also expands the exemption to protect the release of emergency contact information that is made a part of the motor vehicle record.

This bill provides for future review and repeal of the exemption and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 1510 – Pub. Rec./Sunshine State One-Call

By Aronberg

Tied Bills: None

Iden./Sim Bills: HB 1221

Committee(s) of Reference: Communications and Public Utilities; Governmental Operations; Rules (W/D)

The bill creates a public records exemption for proprietary confidential business information held by Sunshine State One-Call of Florida, Inc, which is a nonprofit corporation that administers the Underground Facility Damage Prevention and Safety Act. It also provides a definition of "proprietary confidential business information." The bill provides for future review and repeal of the exemption and provides a statement of public necessity.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 1760 – Custodian of Public Records

By Justice

Tied Bills: None

Iden./Sim Bills: CS/HB 541

Committee(s) of Reference: Governmental Operations; Judiciary (W/D)

The bill amends the Public Records Act to require each agency head who appoints a designee to act as a custodian of public records to disclose the identity of the designee to any person requesting to inspect or copy public records. It requires a custodian or designee to promptly acknowledge requests to inspect or copy records and to respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether the record exists and, if so, the location at which the record can be accessed.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 2142 – Protecting Florida's Investments Act

By Governmental Operations; Deutch and others

Tied Bills: None

Iden./Sim Bills: CS/HB 703; HB 1431; includes part of CS/CS/SB 2250

Committee(s) of Reference: Military Affairs and Domestic Security; Governmental Operations; Judiciary; General Government Appropriations

The bill creates the "Protecting Florida's Investments Act." It provides for divestiture in certain companies associated with the Governments of Iran and Sudan.

At least 90 days after the effective date of this act, the Public Fund (essentially, the State Board of Administration) must make best efforts to identify all scrutinized companies in which it has direct or indirect holdings or could possibly have such holdings in the future.

A scrutinized company means any company that: has certain business operations with the Government of Sudan or the Government of Iran; is complicit in the Darfur genocide; or that supplies military equipment within Sudan, unless certain requirements are met.

The Public Fund must create a “Scrutinized Companies with Activities in Sudan List” and a “Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List”. It must provide written notice to any company that has been included on those lists. For any scrutinized company having active business operations with Iran or Sudan, the Public Fund must send written notice informing the company of its scrutinized status and informing the company that it may become subject to divestment. If, after 90 days, the company continues scrutinized active business operations, then the Public Fund must sell, redeem, divest, or withdraw all publicly traded securities of the company within 12 months.

The bill provides legislative findings, definitions, and exceptions. It also creates quarterly reporting requirements for the State Board of Administration (SBA). Furthermore, it provides for expiration of the act if certain requirements are met.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

Committee Urban & Local Affairs

HB 99 – Charitable Public Solicitations

By Hooper and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1946

**Committee(s) of Reference: Government Efficiency & Accountability Council;
Urban & Local Affairs;**

Generally, state law prohibits activities that obstruct or create a hazard to the free and normal use of public roadways or pose a safety risk to pedestrians and motorists. HB 99 provides an exemption for non-profit or charitable organizations qualified under s. 501(c)(3) of the Internal Revenue Code and registered pursuant to chapter 496, F.S., and persons or organizations acting on their behalf, from the permit requirement from a local government for activities on non-state maintained roadways as long as they meet certain requirements. The bill also provides that eligible organizations are limited to 10 cumulative days of solicitation activities a year; all solicitation must occur during daylight hours, and solicitation activities must not interfere with the safe and efficient movement of traffic or cause danger to the participants or the public. Additionally, the bill provides that no person engaged in solicitation may persist in soliciting a contribution once it has been denied, nor may they act in a demeaning or harassing manner, nor use any sound or voice-amplifying device. Further, the bill provides that no one under the age of 18 may participate in the solicitation activity, and signage providing notice of the solicitation must be posted at least 500 feet before the site of the solicitation. A local government may stop solicitation activities if any conditions or requirements are not met.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 464 – Legal Holidays & Special Observances

By Governmental Operations; Siplin and others

Tied Bills: None

Iden./Sim Bills: HB 627; HB 7161

Committee(s) of Reference: Governmental Operations

CS/SB 464 creates s. 683.33, F.S., which designates January 6 as "Three Kings Day" and authorizes local governments to annually issue a proclamation commemorating the occasion and recognize that many residents of the State celebrate the occasion. This bill also creates s. 683.26, F.S., which designates February 6 as "Ronald Reagan Day" and authorizes the Governor to issue proclamations commemorating the occasion. The designations would be permanent but of only a ceremonial nature and would not be considered legal holidays.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1178 – Local Business Tax Receipts

By Community Affairs; Rich and others

Tied Bills: None

Iden./Sim Bills: CS/HB 475; CS/SB 656; includes part of HB 135

Committee(s) of Reference: Community Affairs; Commerce; Finance and Tax

The governing body of a county or a municipality may levy, by resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. CS/SB 1178 allows a municipality that adopted a local business tax ordinance after October 1, 1995, to revise its current tax rate or classification structure before October 1, 2008. The municipality must follow the procedures set out in s. 205.0535, F.S., which, among other things, requires a municipality to first appoint an equity study commission to make rate and classification recommendations to the municipality's governing body. The bill also limits reclassification increases and further allows a decrease or outright repeal of a local business tax. The bill also provides that a local government may start to collect a local business tax one month earlier, July 1 instead of August 1, and hence allow a business to submit a local business tax one month early.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 2162 – Local Government Funding

By Judiciary; Community Affairs; Villalobos

Tied Bills: None

Iden./Sim Bills: Includes part of CS/HB 1353

Committee(s) of Reference: Community Affairs; Judiciary; Finance and Tax (W/D); Criminal and Civil Justice Appropriations

Under s. 318.18(14), F.S., certain local governments may impose by ordinance up to a \$15.00 surcharge on certain non-criminal traffic infractions and criminal violations. This subsection is scheduled to be repealed September 30, 2007. The bill removes the repeal of the \$15 surcharge on certain traffic violations and will allow certain local governments to continue to impose the surcharge for the purpose of replacing revenue from fines deposited into the fine and forfeiture fund established by the clerk of the circuit court in each county.

CS/CS/SB 2162 also adds "adjudicated delinquent for delinquent acts" to the criteria of s. 938.19(2), F.S., which specify who may be assessed court costs of up to \$3 to be used to operate and administer Teen Courts. The addition of the language should satisfy the Florida Supreme Court's requirements that the Legislature must expressly provide for an assessment in juvenile proceedings. The bill also amends s. 939.185(1)(a), F.S., adding "adjudicated delinquent for delinquent acts" to the criteria specifying who may be assessed an additional court cost of up to \$65. Further, the bill amends s. 939.185(1)(b), F.S., adding "adjudicated delinquent for delinquent acts" to the criteria specifying who may be assessed a surcharge of \$85. Additionally, the bill deletes the provision in s. 939.185(1)(b), F.S., that would have repealed, on September 30, 2007, the authority to impose the \$85 surcharge.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HOUSE OF REPRESENTATIVES

Healthcare Council

Representative Aaron P. Bean, Chair
Representative Juan C. Zapata, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Committee on Health Innovation

Representative Rene Garcia, Chair
Representative Jimmy T. Patronis, Jr., Vice Chair

Committee on Health Quality

Representative Gayle B. Harrell, Chair
Representative Alan D. Hays, Vice Chair

Committee on Healthy Families

Representative Bill Galvano, Chair
Representative Ed Hooper, Vice Chair

Committee on Healthy Seniors

Representative Hugh H. Gibson, III, Chair
Representative Thomas "Tom" Anderson, Vice Chair

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Healthcare Council

CS/SB 38 – Relief/A. Susser/North Broward Hospital District

By Health Regulation; Jones

Tied Bills: None

Iden./Sim Bills: CS/HB 1021

Committee(s) of Reference: The Special Master on Claim Bills; Health Regulation

This bill compensates Adam Susser for injuries and damages sustained as the result of negligence by the North Broward Hospital District, d.b.a. Coral Springs Medical Center. As a result of negligent care provided to Adam and his mother during his birth, he was rendered severely disabled, cortically blind, and unable to walk, talk, or feed himself. Based on a settlement agreement, the North Broward Hospital District has agreed to pay a total of \$5.3 million, \$4,431,218 of which has already been paid by the Hospital District's insurance carrier and \$200,000 by the Hospital District. The bill awards the amount of \$668,781.96. Payment for attorney's fees and costs incurred by the claimant's attorneys is limited to \$108,764. Payment for the professional services and costs of lobbyists advocating for passage of the claim bill is limited to \$6,688.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 593 – Relief/Minouche Noel, Jean Noel & Flora Noel/DOH

By Policy & Budget Council; Healthcare Council; Thurston and others

Tied Bills: None

Iden./Sim Bills: SB 52

Committee(s) of Reference: Healthcare Council; Policy & Budget Council

The bill compensates Minouche Noel, Jean Noel, and Flora Noel for injuries and damages sustained as a result of negligence by Children's Medical Services of the former Department of Health and Rehabilitative Services based on a jury verdict. The bill awards the amount of \$6.5 million to Minouche Noel and \$2 million to her parents, Jean and Flora Noel, for a total of \$8.5 million. Payment for attorney's fees and costs incurred by the claimant's attorneys is limited to \$1,074,667. Payment for the professional services and costs of lobbyists advocating for passage of the claim bill is limited to \$85,000.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 803 – Adoption Benefits

By Healthcare Council; Cusack and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 362

Committee(s) of Reference: Healthcare Council; Policy & Budget Council (W/D)

The bill adds community college and county school district employees to the list of

eligible employees who may receive a \$10,000 benefit if the employee adopts a special needs child or a \$5,000 benefit if the employee adopts a non-special needs child. The bill also clarifies that state university employees are eligible and provides that participation by employees of a state university, a community college, or school district shall commence with the 2008 open enrollment period for benefits to be funded in the 2008-2009 fiscal year.

The bill includes provisions concerning application for the monetary benefit, the right to receive other statutory adoption expenses, and the six-month parental leave policy applicable to university, community college, and school district employees.

The bill also transfers the administration of the program from the Department of Management Services to the Department of Children and Family Services and repeals ss. 110.152, 110.15201, 215.32(2)(c)5., and 373.6065, Florida Statutes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 992 – Health Care Providers Licensure

By Health Regulation

Tied Bills: None

Iden./Sim. Bills: None

Committee(s) of Reference: Health Regulation

This bill conforms the Florida Statutes to legislation enacted during the 2006 Regular Session relating to health care providers regulated by the Agency for Health Care Administration. The bill amends and repeals those portions of the specific licensure statutes for health care facilities and services that are now covered under part II of ch. 408, F.S. Some of the areas affected by the changes are license fees; the license application process; payment of late fees; inspections; the establishment of procedures and rules for the electronic transmission of required information; procedures for the change in ownership; background screening; unlicensed activity; administrative fines; moratoriums and emergency suspensions; license denial or revocation; injunctive proceedings; fees and fines to be deposited in the Health Care Trust Fund; and license duration. The bill specifies in the various specific licensure statutes that the provisions of part II of ch. 408, F.S., apply. This bill also makes numerous changes to statutory cross-references to reflect the movement of parts III, VII, and V of ch. 400, F.S., to parts I, II, and III of ch. 429, F.S., and the resulting renumbering of the parts in ch. 400, F.S.

The bill also expands an exemption from clinic licensure for entities that provide health care services by licensed practitioners solely within a hospital. The amendment provides an exemption from clinic licensure under the Health Care Clinic Act for orthotic and prosthetic clinical facilities that are wholly owned, directly or indirectly, by a publicly traded corporation. The amendment defines a publicly traded corporation to mean one that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1116 – Health Care**By Health and Human Services Appropriations; Peaden****Tied Bills: None****Iden./Sim Bills: CS/HB 7047****Committee(s) of Reference: Health and Human Services Appropriations**

This bill makes a number of changes to health care programs. The bill amends s. 381.0302, F.S. to allow dentists to qualify for loan repayment assistance under certain circumstances; eliminates reference to the Florida Health Services Corps Trust Fund and amends s. 394.9082, F.S. to repeal an obsolete cross reference.

The bill amends s. 409.905, F.S., requiring hospitals to meet specific criteria to qualify for a reimbursement rate adjustment; amends s. 409.906, F.S., to allow Medicaid payment for psychiatric inpatient hospital care for beneficiaries age 65 and older in qualified private free-standing specialty hospitals; creates s. 409.906(26), F.S., to allow Medicaid payment for services provided by an anesthesiologist assistant ; repeals s. 409.9061, F.S., to eliminate the authorization of a statewide laboratory services contract for Medicaid; amends s. 409.908, F.S., relating nursing home provider's rates and change of ownership; eliminates required payment of coinsurance and deductibles for services not provided by Medicaid; limits Medicaid payments for nursing home Medicare Part A coinsurance; and amends ss 409.911, 409.912, 409.913, and 409.917 F.S., to revise the method for calculating disproportionate share payments to hospitals.

The bill amends s. 409.912, F.S., to require the reporting of capitation amounts expended for behavioral health care services; eliminates the requirement that 80 percent of the capitation paid to a prepaid behavioral health managed care plan be expended for behavioral health services; eliminates obsolete language; exempts Medicaid-eligible children in DCF District 10 with open cases in the child welfare system from participating in the Medicaid statewide prepaid behavioral health plan; and authorizes the community-based care agency in DCF District 10 to contract with a Medicaid provider services network to provide behavioral health services for Medicaid eligible children in its care.

The bill creates new subsections of s. 409.912, F.S., to require calculation of prepaid behavioral health plan capitation rates with a new methodology; to allow generic substitution of immunosuppressive drugs only with physician consent and allow dispensing of an immunosuppressive drugs only under certain criteria; and to require legislative notification before implementing programs authorized under the federal Deficit Reduction Act of 2005.

The bill amends s. 409.9122, F.S., to give priority to certain providers when assigning beneficiaries to managed care plans; amends s. 409.9124, F.S., eliminating the provision that managed care rate averages do not exceed amounts in the General Appropriations Act; and increases the percentage payment limit used in reimbursing managed care providers; amends s. 409.913, F.S., to exclude laboratory services from the Medicaid explanation of benefits and amends s. 430.705, F.S., to require long-term care community diversion pilot projects to include hospice care.

The bill also amends s.458.319, and s. 459.0092, F.S., to waive the biennial license renewal fees for certain practitioners who prescribe medications exclusively through the use of electronic prescribing software; provides a definition for "electronic prescribing software"; and provides an expiration date of the section of law on July 1, 2008.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1124 – Home/Community Services/Persons with Disabilities

By Health and Human Services Appropriations; Peadar

Tied Bills: None

Iden./Sim Bills: None

Committee(s) of Reference: Health and Human Services Appropriations

The bill amends s. 393.0661 (3), F.S., to delete obsolete language and direct the Agency for Health Care Administration in consultation with the Agency for Persons with Disabilities to seek federal approval and implement a four-tiered waiver system for clients in the Developmental Disabilities and Family and Supported Living waiver programs. The bill establishes criteria and dollar caps to define the four tiers of the new waiver system summarized as follows:

- Tier One has no cap on expenditures and is limited to persons with intensive medical or adaptive needs that are essential for avoiding institutionalization, or who possess behavioral problems that are exceptional in intensity, duration, or frequency and present a substantial risk of harm to themselves or others.
- Tier Two has a \$55,000 per client annual cap and is limited to persons who have high cost residential facility or supported living service needs.
- Tier Three has a \$35,000 per client annual cap and is limited to persons who require lower cost residential placements, independent or supported living situations and persons who live in their family home.
- Tier Four has a \$14,782 per client annual cap and is limited to persons already enrolled in the Family and Supported Living waiver, which includes independent living, supported living or family home living situations.

The bill directs the Agency for Health Care Administration to seek a federal waiver to provide a consumer-directed option that corresponds to the funding levels in each of the waiver tiers and provides for a phased implementation of the four-tiered waiver system.

The bill also provides for deletions, changes, and limitations to specific services and extension of support plans in federal waiver programs administered by the Agency for Persons with Disabilities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1126 – Statewide Tobacco Education & Prevention

By Health and Human Services Appropriations; Peadar

Tied Bills: None

Iden./Sim Bills: HB 7045

Committee(s) of Reference: Health and Human Services Appropriations

The bill creates s. 381.84, F.S., to implement s. 27, Art. X of the Florida Constitution, requiring funding of a Comprehensive Statewide Tobacco Education and Prevention Program. The Department of Health is required to create a comprehensive, statewide program consistent with the 1999 Best Practices for Comprehensive Tobacco Control

Programs developed by the United States Centers for Disease Control and Prevention. The program must include the following components:

- A counter-marketing and advertising campaign and a cyberspace resource center.
- Cessation, counseling, and treatment programs.
- Surveillance of behaviors, attitudes, and outcomes related to tobacco and evaluation of program components.
- Youth school programs.
- Community-based programs that include chronic disease prevention.
- Training of health care practitioners, smoking cessation counselors, and teachers.
- Administration and core funding for county health departments.
- Monitoring of the enforcement of the Clean Indoor Air Act and laws prohibiting the sale or provision of tobacco to minors.
- Expansion of the Area Health Education Centers' (AHEC) smoking cessation initiative to each county within the state and other activities.

The bill creates the Tobacco Education and Use Prevention Advisory Council consisting of 23 members, including the Secretary of Health; one county health director; two members appointed by the Commissioner of Education; the chief executive officers of the American Cancer Society, American Heart Association, American Lung Association, Campaign for Tobacco Free Kids, and the Legacy Foundation; the deans of the Florida public and private medical schools; and members appointed by the Governor, Speaker of the House, and President of the Senate. The council must advise the Secretary of Health as to the direction and scope of the program. The council's duties include:

- Providing advice on program priorities and emphases.
- Providing advice on overall program budget.
- Reviewing broadcast material.
- Participating in periodic program evaluation.
- Assisting in the development of administrative procedures relating to the award of contracts and grants.
- Reviewing reports of peer-review panels.
- Recommending meaningful outcome measures.
- Recommending policies to encourage a coordinated response to tobacco use in the state.

The Secretary of Health, in consultation with the council, must award contracts and grants for the program components on the basis of merit through a competitive, peer-reviewed process. In addition, contracts and grants must be awarded no later than October 1 of each fiscal year and must limit:

- The use of food and promotional items to no more than 2.5 percent of the total amount of each contract or grant.

- Overhead or indirect costs to no more than 7.5 percent of the total amount of each contract or grant.
- Production fees, buyer commissions, and related costs to no more than 10 percent of the total of each advertising contract amount.

The bill requires the department to award a contract or grant of \$10 million to the AHEC network for the 2007-2008 and 2008-2009 fiscal years. After this period, the AHEC network may participate in the competitive peer-reviewed contract and grant process.

Finally, the bill requires the department to annually produce a report that evaluates the program's effectiveness in reducing and preventing tobacco use and recommends improvements to enhance the program's effectiveness.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1269 – Infant Mortality

By Healthcare Council; Reed and others

Tied Bills: None

Iden./Sim Bills: SB 2120

Committee(s) of Reference: Healthcare Council; Policy & Budget Council

This bill creates the black infant health practice initiative to determine factors associated with racial disparity in infant mortality through the use of specific infant mortality methodologies. The initiative will be administered through collaboration among the Department of Health, federal and state healthy start coalitions, and public universities and colleges that have expertise in public health. The bill requires the department to conduct an annual evaluation of the initiative.

The bill authorizes federal and local healthy state coalitions or consortiums to participate in the initiative and requires the department to develop a grant program for the coalitions to implement the objectives of the bill. Subject to a specific appropriation, the department must distribute at least two grants to these coalitions: one to a coalition that represents an urban county and one to a coalition that represents a rural county.

Participating coalitions must develop an interdisciplinary team to oversee the process of examining infant deaths. The bill clarifies that the participating coalitions, their professional staff, and review team members are immune from civil liability.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 1318 (Ch. 2007-13, L.O.F.) – Trust Funds/FDVA/DOH

By Peaden

Tied Bills: None

Iden./Sim Bills: HB 7043

Committee(s) of Reference: Health and Human Services Appropriations

The bill terminates the Department of Veterans' Affairs Florida World War II Veterans Memorial Matching Trust Fund, repeals cross references, and provides for the disposition of unobligated funds to the department's Grants and Donations Trust Fund

for use by veterans in the State Veterans' Homes Program. The bill also removes obsolete provisions regarding the Community Resources Development Trust Fund within the Department of Children and Family Services. Finally, the bill removes the scheduled termination of the Biomedical Research Trust Fund.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-13, L.O.F. The effective date of this bill is July 1, 2007.

CS/SB 1394 – Children & Families

By Children, Families, and Elder Affairs; Storms

Tied Bills: None

Iden./Sim Bills: None

Committee(s) of Reference: Children, Families, and Elder Affairs; Health and Human Services Appropriations

The bill authorizes the Department of Children and Family Services to begin the process of departmental reorganization, subject to further legislative review. It directs the department to integrate Substance Abuse and Mental Health programs into the overall structure and priorities of the department. It also authorizes the department to plan for realignment of department districts with judicial circuits and to phase in organizational changes to ensure that children currently in the system are not adversely impacted.

The bill requires the department to submit to the Legislature a report on its organizational modifications concurrently with the Sunset Review Report required by existing law and allows DCF to use the name Department of Children and Families. The bill authorizes the department to establish community partnerships at the request of local communities, and permits the Secretary to establish advisory groups at the state level. The bill provides that members of community partnerships or advisory groups are entitled to receive reimbursement for certain expenses. However, the bill specifies that these costs must be absorbed within existing resources. Provisions pertaining to departmental reorganization will expire on June 30, 2008.

The bill specifies that it is unlawful to create, as well as to alter, destroy, deface, overwrite, remove or discard, official records relating to individuals in the care and custody of a state agency and certain records of DCF.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise provided.

SB 2634 – Hospice Facility Construction

By Peaden

Tied Bills: None

Iden./Sim Bills: HB 7139

Committee(s) of Reference: Health Regulation; Health and Human Services Appropriations

The bill provides that the Agency for Health Care Administration may conduct an informal construction plan review of a facility upon the request of a prospective licensee of an inpatient hospice facility to assist the facility in complying with Florida Building Code requirements.

The bill provides that the agency may charge a fee commensurate with the cost of providing consultation, and that no part of the fee is refundable.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 2866 – Sexually Violent Predators

By Criminal Justice; Children, Families, and Elder Affairs

Tied Bills: None

Iden./Sim Bills: HB 7109

Committee(s) of Reference: Criminal Justice; Children, Families, and Elder Affairs

The bill provides for use of force to protect employees of state's civil commitment center from sexually violent predators and ensure the safety of persons committed to the center. The bill authorizes employees to use physical force and non-lethal devices such as chemical agents and Tasers under limited circumstances as is allowed in other state commitment facilities. The bill requires training and specific authorization for their use. It requires a medical examination, documentation of use of force, and incident reporting when force or devices are used. The bill provides criminal penalties when an employee uses force with malicious intent.

To ensure that criminals who are sexually violent predators are identified and placed in the program, the bill requires information provided to the program assessment team to clearly indicate whether the crimes they committed included sexual acts or were sexually motivated. The bill requires a judgment of guilt for a felony offense to identify the offense as involving sexual motivation when demonstrated in the record.

The bill also fixes a glitch in law to allow the Department of Children and Families and its contractors to hire security personnel who are certified correctional officers in its sexually violent predator program and forensic mental health treatment facilities.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 7065 – Medicaid

By Healthcare Council; Gibson, H.

Tied Bills: None

Iden./Sim Bills: None

Committee(s) of Reference: Policy & Budget Council

The bill amends ss. 409.912(5), 408.040, and 409.915, F.S., to implement an integrated fixed-payment service delivery system for Medicaid recipients age 60 and older or individuals who are dually eligible for Medicaid and Medicare. The system is to be implemented on a pilot basis in Areas 7 and 11 of the Agency for Health Care Administration. The bill provides the Agency for Health Care Administration with the authority to implement the pilot programs in accordance with approved federal waivers.

The bill makes participation of eligible individuals voluntary. The bill specifies that individuals who choose to participate in the pilot may remain in their current licensed

residence even if this residence is not under contract to the managed care program operator. The bill also provides enrollees access to a grievance process through the Subscriber Assistance Panel. The bill removes the requirement for the agency to competitively procure managed care entities to operate the pilot program. Instead, the agency will approve managed care entities that meet or exceed the minimum standards of the agency. In addition, providers who participate are provided with a grievance system that includes a formal and informal process. The bill creates a 10-business-day prompt payment requirement for participating managed care organizations in the pilot projects to make payment to nursing homes that submit claims electronically. This bill also requires county contributions to Medicaid nursing home cost reimbursement under the fixed-payment model (s. 409.915, F.S.).

The bill makes changes to the evaluation requirement and requires the agency to perform an analysis of the merits of seeking a combined Medicaid and Medicare federal waiver.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7107 – Child Support Enforcement

By Healthcare Council; Galvano

Tied Bills: None

Iden./Sim Bills: CS/SB 2870

Committee(s) of Reference: Policy & Budget Council (W/D)

The bill expands the list of actions or proceedings in which service of process may be made by publication to include proceedings to determine paternity. Service by publication in paternity proceedings is limited to the legal father in a paternity action in which another man is alleged to be the biological father.

The bill permits the collection of the annual fee required by federal law for each child support case involving an individual who has never received temporary cash assistance and for whom the state has collected at least \$500 during the year. The bill requires that the annual fee be paid by the Department of Revenue.

The bill allows the Department of Revenue to waive the electronic remittance requirement for child support payments, making this consistent with electronic remittance of tax payments, and provides cross references in order to ensure the same requirements for electronic remittance of tax payments and child support payments.

The bill provides that a child support arrearage in an amount exceeding \$2,500 (rather than \$5,000 which is current Florida law) may result in the denial, revocation or limitation of a United States passport. The bill also allows the Department of Revenue to open a case on its automated system for purposes of enforcing an interstate order for support.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7111 – Guardianship

By Healthcare Council; Gibson, H.

Tied Bills: None

Iden./Sim Bills: CS/SB 2040

Committee(s) of Reference: House Calendar

The bill amends s.744.3135, F.S., to specify that the Statewide Public Guardianship Office in the Department of Elder Affairs maintains criminal history background check information for professional guardians, while the Courts maintain the criminal history background check information for non-professional guardians. The bill also limits the use of electronic fingerprinting for background checks to professional guardians and directs the Statewide Public Guardianship Office to adopt rules for this method.

The bill further directs professional guardians to pay the Statewide Public Guardianship Office the annual fee associated with electronic fingerprinting. The bill also provides that resubmission of credit and criminal history records checks relates to the date the guardian registered with the Statewide Public Guardianship Office.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7165 – Hospitals

By Healthcare Council; Garcia, R.

Tied Bills: None

Iden./Sim Bills: CS/SB 760

Committee(s) of Reference: House Calendar

The bill revises the term "cardiology services" to reflect "cardiovascular services." The term "adult interventional cardiology services" is revised as "adult cardiovascular services," which is a general term that includes surgical services, as in Level II adult cardiovascular services. The bill provides updated references to diagnostic codes to reflect a more comprehensive disease category and also exempts center cancer hospitals from licensure restrictions.

The bill extends the "grandfathered in" provision applied to hospital-based adult cardiovascular services for three years or until July 1, 2008, whichever is longer. The bill requires the Agency for Health Care Administration to develop rules that would require licensed hospitals that provide Level I and Level II adult cardiovascular services to participate in clinical outcome reporting systems operated by the American College of Cardiology and the Society for Thoracic surgeons.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 7181 – Immigrant Survivors of Human Trafficking and Other Serious Crimes

By Healthcare Council; Galvano

Tied Bills: None

Iden./Sim Bills: CS/SB 2032

Committee(s) of Reference: Policy & Budget Council

The bill requires the Department of Children and Family Services to establish a state-funded benefit program for immigrant survivors of human trafficking, domestic violence and other serious crimes for a specified period of time before they become eligible to receive federally funded benefits. Those benefits must be equivalent to services provided to refugees and may include cash, medical services, mental health care, and other social services.

The bill specifies a list of documents that, in addition to a sworn statement, suffice as evidence that an applicant has been a survivor of human trafficking. The bill also requires the Department of Children and Family Services to develop a public awareness campaign.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Health Innovation

CS/SB 246 – Certificates of Need/Level I/Cardiology Services

By Health Regulation; Wise and others

Tied Bills: None

Iden./Sim Bills: CS/HB 49

Committee(s) of Reference: Health Regulation

CS/HB 246 provides licensure criteria for hospitals to establish a Level I adult interventional cardiology program, providing the following requirements are met:

- The hospital must be a newly-licensed hospital established pursuant to a certificate of need in a physical location previously licensed and operated as a hospital.
- The former hospital must have provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations for the most recent 12-month period.
- The newly licensed hospital must have a formal, written transfer agreement with a hospital that has a Level II program, including transport protocols ensuring safe and efficient patient transfer within 60 minutes.

A hospital meeting these requirements may apply for Level I certification before taking possession of the physical location of the former hospital. The Level I program effective date shall be concurrent with the effective date of the newly issued hospital license.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 430 – Mental Health Facilities

By Children, Families, and Elder Affairs; Saunders and others

Tied Bills: None

Iden./Sim Bills: CS/HB 587

Committee(s) of Reference: Children, Families, and Elder Affairs; Health Regulation; Health and Human Services Appropriations

CS/SB 430 establishes data reporting requirements for mental health receiving and treatment facilities. The bill specifies that these facilities are required to annually report the following data to the Department of Children and Families (DCF):

- The number of licensed beds.
- The number of contract days.
- The number of admissions by payer class and diagnoses.
- The number of bed days by payer class.
- The average length of stay by payer class.
- The total revenues by payer class.

Such data must be submitted to the DCF no later than 90 days following the end of the facility's fiscal year.

The DCF is required to issue an annual report based on these data to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/HB 455 – Organ and Tissue Donation

By Policy & Budget Council; Healthcare Council; Cretul and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1350

Committee(s) of Reference: Healthcare Council; Health Innovation; Policy & Budget Council

CS/CS/HB 455 provides legislative findings and intent relating to organ and tissue donation and the organ and tissue donor registry. The bill provides statutory revisions to encourage organ and tissue donation through enhanced education and donor registration and by coordinating services among the Florida Coalition on Donation, Inc., a not-for-profit entity (Coalition), the Department of Highway Safety and Motor Vehicles (DHSMV) and the Agency for Health Care Administration (AHCA).

The bill designates the organ and tissue donor registry as the "Joshua Abbott Organ and Tissue Donor Registry" and transfers the maintenance of this registry from the Agency to the Coalition. The bill provides that the cost to maintain the registry is paid for by funds from a \$1 voluntary contribution per driver's license applicant, collected by DHSMV. The bill provides specific duties for the Coalition including operating and maintaining the donor registry and developing and implementing with the DHSMV, a coordinated program to allow individuals to make anatomical gifts. The bill specifies that records and meetings of the coalition will be open to the public, unless otherwise made exempt by law.

The bill clarifies the criteria under which persons may make anatomical gifts, and provides technical revisions to the Uniform Donor Card. The bill provides a mechanism to coordinate the transfer of organ donation information between the DHSMV and the Coalition and stipulates that the DHSMV adopt rules to provide for verification of a donor's identity. The bill requires that the DHSMV and the Coalition share administrative responsibilities, including submitting an annual report to the Legislature regarding donor registry and demographic information. The bill requires AHCA to maintain its oversight and certification responsibilities regarding organ procurement organizations, to assess fees for this purpose, and to deposit such fees in the Health Care Trust Fund.

The bill specifies that the Department of Motor Vehicles collect the voluntary contribution of \$1 per driver's license application and renewal fee and distribute to the Coalition to enhance donor education and to maintain the organ and tissue donor registry. The bill appropriates \$607,000 in non-recurring funds for fiscal year 2007-08 from the Florida Organ and Tissue Procurement Trust Fund to the AHCA to contract with the Florida Coalition on Donation for the orderly transition of the organ donor registry.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 543 – Immunization Services**By Healthcare Council; Zapata and others****Tied Bills: None****Iden./Sim Bills: CS/CS/SB 2022****Committee(s) of Reference: Healthcare Council; Health Innovation**

CS/HB 543 creates the “Pharmacist Kevin Coit Memorial Act.” The bill authorizes Florida-licensed pharmacists to administer influenza virus immunizations to adults within the framework of an established protocol. The bill allows pharmacists to administer immunizations under the supervision of a Florida-licensed medical or osteopathic physician, or by written agreement with a county health department.

Pharmacists seeking to provide immunizations must meet certain qualifications; a pharmacist must:

- Adhere to established protocol regarding adult influenza virus immunizations under the supervision of a Florida-licensed medical or osteopathic physician. The protocol must include:
 - Specific procedures to address allergic reactions to influenza virus immunizations;
 - Specific terms and conditions imposed by the supervising physician on the pharmacist;
 - Specific categories and conditions among patients who may receive immunizations; and
 - Applicable terms, scope and conditions that are appropriate to the pharmacist's training and immunization certification.
- Have the written approval of the pharmacy prior to entering into a protocol that is to be performed while acting as an employee.
- Maintain at least \$200,000 of professional liability insurance.
- Complete training in influenza virus immunizations.
- Maintain and make available patient records according to established guidelines.
- Forward immunization records to the Department of Health for inclusion in the state immunization registry.
- Receive certification to administer influenza virus immunizations pursuant to a certification program approved by the Board of Pharmacy in consultation with the Board of Medicine and the Board of Osteopathic Medicine.
 - The certification program shall at a minimum require at least 20 hours of continuing education classes approved by the Board of Pharmacy.
 - The certification program shall include instruction curriculum regarding the safe and effective administration of influenza virus immunizations, including allergic reactions to the immunization.

The bill requires that a pharmacist must submit a copy of the protocol or written agreement to administer influenza virus immunization to the Board of Pharmacy.

The bill creates a 17-member Task Force on the Study of Biotech Competitiveness within the Governor's Office of Tourism, Trade & Economic Development. The

Legislature's intent in creating this task force is to establish Florida as a national leader in the manufacturing, distribution and administration of immunizations. Among other provisions, the task force is directed to study economic policies necessary to make Florida competitive with other states in attracting and retaining a biotech manufacturing and distribution workforce. The task force is directed to report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2009.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 666 – Fiscal Intermediary Services Orgs./Health Care

By Fasano

Tied Bills: None

Iden./Sim Bills: CS/HB 1111

Committee(s) of Reference: Banking and Insurance; Health Regulation

CS/HB 1111 revises the definition of fiscal intermediary services organizations (FISOs) by the Office of Insurance Regulation. State regulation of FISOs is designed to protect funds received from Health Maintenance Organizations (HMOs) and held by these fiscal intermediary entities, which are obligated to distribute those funds to health care providers who contract with an HMO.

The bill revises the definition of FISOs by deleting the exemption for entities that are owned, operated, or controlled by certain licensed entities. As revised, only the licensed entities themselves would be exempt, including hospitals, authorized insurers, third party administrators, prepaid limited health service organizations, and HMOs. The bill also provides that the current exemption for physician group practices would be limited to group practices providing services under the scope of licenses of the group practice membership. The bill specifies that FISOs that are owned, operated, or controlled by a third party administrator holding a certificate of authority, are exempt from surety bond requirements. The bill adds registration exemption for not-for-profit clinics that provide health care services by employed physicians providing health care services affiliated with licensed hospitals.

The bill exempts FISOs from surety bond exemption for FISOs that are owned, operated or controlled by certified third party administrators.

The bill requires FISOs to comply with certain statutory requirement regarding claims payments and adverse determination of claims. The bill directs OIR to periodically examine FISOs operations and to take remedial action when necessary.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/SB 682 – Nursing Facilities

By Health Regulation; Bennett and others

Tied Bills: None

Iden./Sim Bills: CS/HB 385

Committee(s) of Reference: Health Regulation; Judiciary; Health and Human Services Appropriations

The bill revises the frequency of visits to nursing facilities by Agency for Health Care Administration (AHCA) quality-of-care monitors. The bill requires that quality of care monitors visit conditionally licensed nursing facilities at least quarterly and other nursing facilities as deemed appropriate by the AHCA, or upon request by the facility. The bill provides that every nursing facility that has a standard license may develop a plan to provide training for certified nursing assistants (CNAs), and that AHCA may adopt rules regarding the approval, suspension and termination of such CNA programs.

The bill modifies the definition of adverse incidents as events reported to law enforcement for investigation.

The bill deletes the requirement for nursing facilities to submit a one-day adverse incident report as determined by the facility's risk manager to the agency. The bill provides that the most recent survey is considered the annual survey for purposes of future survey scheduling.

The bill specifies that compliance with federal posting standards satisfies state posting standards.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1732 – Primary Care Access Network

By Health and Human Services Appropriations; Webster and others

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 977

Committee(s) of Reference: Health Policy; Health and Human Services Appropriations

CS/SB 1732 implements Idea #88 from the Speaker of the House of Representatives' 100 Innovative Ideas for Florida's Future, which is to expand walk-in care for the uninsured, by expanding health care services through the Primary Care Access Network (PCAN).

The bill requires the Agency for Health Care Administration (AHCA) to establish one-year pilot programs in Orlando, Pasco, Manatee, Sarasota and DeSoto Counties to offer health care services during the weekend and after regular business hours during the week at PCAN clinics to the extent funding is available. The agency is directed to develop procedures for operating the pilot programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1758 – Hospitals/Off-Premises Emergency Department

By Health Regulation; Peadar

Tied Bills: None

Iden./Sim Bills: CS/SB 1361

Committee(s) of Reference: Health Regulation

CS/SB 1758 places a moratorium on licensure of off-premises hospital emergency departments by the Agency for Health Care Administration (AHCA) until July 1, 2009.

The bill provides that certain licensure applicants who have submitted initial documents on or before April 30, 2007, and have submitted State 2 architectural plans as of July 15, 2007, or has received approval of Stage 2 architectural plans as of July 15, 2007, may be authorized and licensed by the agency subject to the licensure criteria in existence before July 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 2260 – Department of Health/State Surgeon General

By Governmental Operations; Health Policy; Peadar

Tied Bills: None

Iden./Sim Bills: CS/HB 1343

Committee(s) of Reference: Health Policy; Governmental Operations; Health and Human Services Appropriations

CS/CS/SB 2260 provides that the Department of Health will promote health and wellness and disease prevention initiatives in addition to its other duties. It also renames the head of the department, "State Surgeon General."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Health Quality

CS/HB 139 – Suicide Prevention

By Healthcare Council; Gibson, H. and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 224

Committee(s) of Reference: Healthcare Council; Health Quality; Policy & Budget Council

CS/HB 139 creates the Office of Suicide Prevention as a unit of the Office of Drug Control within the Executive Office of the Governor. The Director of the Office of Drug Control is required, contingent upon a specific appropriation, to employ a coordinator for the office whose responsibility it is to achieve the office's goals and objectives as set forth in the bill. The bill requires the office, within available resources, to:

- Develop a network of community-based programs to improve suicide prevention initiatives.
- Prepare and implement a statewide plan for suicide prevention.
- Increase public awareness concerning topics relating to suicide prevention.
- Coordinate education and training curricula in suicide prevention efforts for professionals who may have contact with persons at risk of committing suicide.

The bill creates a Suicide Prevention Coordinating Council of 28 members within the office. The bill specifies terms of office of the council members, specifies the council's meeting schedule, and authorizes per diem and travel reimbursement for council members as authorized by s 112.061, Florida Statutes. In addition to the 28 council members, the Director of the Office of Drug Control serves as chair and non-voting member of the council. The council is required to advise the office on the development of a statewide plan for suicide prevention and must prepare and submit an annual report to the Governor and Legislature regarding suicide prevention programs, activities, and future initiatives.

The bill authorizes the office to solicit grants from federal, state, and local sources to fund operations and expenses of the office and the council. The bill requires any revenues obtained from grants to be deposited in the Grants and Donations Trust Fund within the Executive Office of the Governor.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 248 – Clinical Nurse Specialties

By Health and Human Services Appropriations; Health Regulation; Saunders

Tied Bills: None

Iden./Sim Bills: CS/HB 879

Committee(s) of Reference: Health Regulation; Health and Human Services Appropriations

CS/CS/SB 248 creates the "Clinical Nurse Specialist" as an additional category of advanced nursing practice within the Florida Nurse Practice Act within Chapter 464,

Florida Statutes. The bill defines the scope of practice for clinical nurse specialists and specifies the requirements that must be met in order to be certified by the Board of Nursing. The bill authorizes the board to establish application and biennial renewal fees of no more than \$75 each and to adopt rules to implement provisions of the bill.

In addition, the bill provides title protection for the following advanced practice nurses: Clinical Nurse Specialists; Certified Registered Nurse Anesthetists; and Certified Nurse Midwives. The misuse of these titles is a misdemeanor of the first degree.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 650 – Osteopathic Physicians

By Health Regulation; Fasano

Tied Bills: None

Iden./Sim Bills: HB 1141

Committee(s) of Reference: Health Regulation; Judiciary; Health & Human Services Appropriations (W/D)

CS/SB 650 consolidates the existing osteopathic licensure application process for in-state and out-of-state applicants. In addition to consolidating existing law, the bill requires an applicant demonstrate a satisfactory evaluation from an internship, residency program, or fellowship training program.

The bill amends s. 459.021, Florida Statutes, to allow a person who has graduated from an American Osteopathic Association-approved college to begin an internship training program if that person registers with the Department of Health at any time prior to the beginning of the internship, rather than 30 days prior to the internship. The bill also authorizes the Board of Osteopathic Medicine to set a renewal fee for registration as a resident physician, intern, or fellow of no more than \$300.

The bill raises the criminal penalty to a first degree misdemeanor for a hospital or administrator that employs an osteopathic physician resident, assistant resident, house physician, intern, or fellow who is not registered with the department or is not the holder of a license to practice under Chapter 459, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 770 – Physician Workforce

By Governmental Operations; Health Regulation; Atwater and others

Tied Bills: CS/SB 1034

Iden./Sim Bills: CS/HB 877

Committee(s) of Reference: Health Regulation; Governmental Operations; Health & Human Services Appropriations (W/D)

CS/CS/SB 770 requires the Department of Health to serve as a coordinating and planning body to assess the state's current and future physician workforce needs and to develop strategies to address these needs.

In particular, the department is required to:

- quantify the adequacy of the state's current and future physician workforce;

- recommend strategies to ensure the number of graduates from the state's medical schools are adequate to meet physician workforce needs; and
- work in conjunction with stakeholders to ensure that there is an adequate supply of well-trained physicians to meet the state's future needs.

In order for the department to collect and report this information, allopathic and osteopathic physicians are required to complete a survey in conjunction with their licensure renewal. The survey must include a variety of questions, including questions regarding each physician's geographic location, practice status, and areas of specialty or certification. The survey must also include questions regarding the availability of critically needed specialty services, including obstetrical, radiological, and emergency services.

A physician who does not complete the survey within 90 days after his or her renewal date will be subject to a non-disciplinary citation. In addition, the department is prohibited from renewing the license of any physician who has failed to complete the survey by the next licensure renewal date.

Finally, the department is required to analyze the data collected from the survey and report to the Governor and Legislature by November 1 of each year.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/HB 1007 – Physician Assistants

By Healthcare Council; Baxley

Tied Bills: None

Iden./Sim Bills: CS/SB 692

Committee(s) of Reference: Healthcare Council; Health Quality

CS/HB 1007 authorizes a physician assistant to dispense medicinal drugs if the physician assistant is supervised by an allopathic or osteopathic physician registered as a dispensing practitioner under s. 465.0276, Florida Statutes. The bill clarifies that a physician assistant who is authorized to dispense medicinal drugs does not have to register as a dispensing practitioner as required by s. 465.0276, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1034 – Pub. Rec./Physician Workforce Surveys

By Health Regulation; Atwater

Tied Bills: CS/CS/SB 770

Iden./Sim Bills: None

Committee(s) of Reference: Health Regulation; Governmental Operations; Rules (W/D)

This bill provides an exemption from Florida's public records law, Chapter 119, Florida Statutes, for all personal identifying information held by the Department of Health in response to a physician workforce survey collected in accordance with CS/CS/SB 770. This confidential and exemption information may be disclosed only: upon the express,

written consent of the individual physician to whom the information pertains; by a court order with a showing of good cause; and to a research entity under specific conditions.

Subject to the Governor's veto powers, the effective date of this bill is this act shall take effect on the same date that Senate Bill 770 takes effect (upon becoming law).

CS/SB 1508 – Informed Consent/Medical

By Judiciary; Peadar

Tied Bills: None

Iden./Sim Bills: CS/HB 469

Committee(s) of Reference: Health Regulation; Judiciary

The "Florida Medical Consent Law" protects a physician, chiropractic physician, podiatric physician, or dentist from liability in a civil lawsuit for treating, examining, or operating upon a patient without his or her informed consent under specific circumstances.

Florida law also protects an emergency medical technician, paramedic, physician, or any person acting under the direct medical supervision of a physician from liability in a civil lawsuit for an emergency examination or treatment without the patient's informed consent under specific circumstances.

CS/SB 1508 bill adds advanced registered nurse practitioners and physician assistants to the list of health care practitioners who are protected from liability in a civil lawsuit under the Medical Consent Law and the emergency examination or treatment law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 1700 – Physician Assistants/Paramedic Cert.

By Aronberg

Tied Bills: None

Iden./Sim Bills: HB 281

Committee(s) of Reference: Health Regulation

Under current law, section 401.27, Florida Statutes, authorizes a physician, dentist, or registered nurse to be certified as a paramedic if the practitioner is certified as an emergency medical technician and has successfully completed an emergency medical technician training course, a paramedic examination, and an advanced cardiac life support course. A physician, dentist, or registered nurse is not required, however, to complete the paramedic training course in order to be certified as a paramedic.

SB 1700 extends the paramedic training course exemption for physicians, dentists, and registered nurses to physician assistants. The bill requires physician assistants to be subject to the same process for certification as other practitioners listed in s. 401.27(7), F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 2858 – Chiropractic Medicine

By Banking and Insurance; Health Regulation; Lynn

Tied Bills: None

Iden./Sim Bills: CS/HB 1485**Committee(s) of Reference: Health Regulation; Banking and Insurance; Criminal Justice (W/D)**

CS/CS/SB 2858 revises multiple provisions relating to the Florida Chiropractic Act in Chapter 460, Florida Statutes. The bill authorizes a chiropractic physician student to file an application and sit for the licensure examination while in his or her final year of study, rather than waiting until he or she graduates. The bill also revises criteria to apply for a chiropractic medical faculty certificate to include the acceptance of full-time teaching positions at any chiropractic college, public-funded or private, located in Florida, and accredited by the Council on Chiropractic Education. The bill requires that the total number of continuing chiropractic education hours be contact classroom hours.

The bill requires an applicant for licensure as a certified chiropractic physician assistant to file a work arrangement proposal. The board is required to interview both the applicant and the supervising chiropractic physician to determine if the work arrangement proposal provides for responsible supervision. In addition, the bill limits a certified chiropractic physician assistant to perform chiropractic services under the indirect supervision of a chiropractic physician only at the physician's address of record or place of practice.

The bill creates s. 460.4167, Florida Statutes, to limit the ability of any unlicensed person to exercise control over a course of chiropractic treatment for a patient, the patient's records, and certain office policies. In addition, the bill clarifies that no one may interfere with a chiropractic physician's clinical judgment as to the medical necessity of chiropractic treatment. Violation of this section is a third degree felony offense. Contracts entered into or renewed after July 1, 2008, are subject to provisions of this section.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007, except as otherwise expressly provided for in the act.

Committee on Healthy Families

CS/HB 77 – Child Visitation

By Healthcare Council; Porth and others

Tied Bills: None

Iden./Sim Bills: CS/SB 20

Committee(s) of Reference: Healthcare Council; Healthy Families

The bill establishes the “Keeping Children Safe Act”. A rebuttable presumption of detriment to a child is created when a parent or caregiver seeking visitation or other contact with the child is the subject of a report to the child abuse hotline alleging sexual abuse; has been found guilty or has entered a plea of guilty or nolo contendere to certain specified crimes; or has been determined by a court to be a sexual predator as defined in statute. The bill creates a hearing process for visitation or other contact determinations and provides for court orders; provides that if visitation is ordered, it must be supervised either by an individual with special training in the dynamics of children who have been sexually abused or be conducted in supervised visitation programs that meet specified criteria; and provides additional factors to be taken into consideration related to visitation and other contact.

The bill provides that visitation ordered at a shelter hearing, an arraignment hearing, a disposition hearing, or with a grandparent or stepgrandparent must follow these newly created requirements.

The bill requires the Clearinghouse on Supervised Visitation, an entity within the Institute for Family Violence Studies in the School of Social Work of the Florida State University, to develop standards for supervised visitation programs and provides for interim standards. The bill specifies requirements that must be met before a supervised visitation program can accept referrals of cases involving child sexual abuse.

The bill repeals ss. 753.001, 753.002, and 753.004, Florida Statutes, relating to the Family Visitation Network, and redesignates the title of chapter 753, Florida Statutes, as “Supervised Visitation.”

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/HB 509 – Children’s Services

By Healthcare Council; Ausley and others

Tied Bills: None

Iden./Sim Bills: CS/SB 564

Committee(s) of Reference: Healthcare Council; Healthy Families

CS/HB 509 creates a Children and Youth Cabinet in the Office of the Governor to coordinate state agency policy and services for children and youth.

The Governor will chair the cabinet. Members of the cabinet include the Secretaries of Children and Families, Juvenile Justice, Health, and Health Care Administration; the Directors of the Agencies for Persons with Disabilities, and Workforce Innovation; the Commissioner of Education; and the Directors of the Statewide Guardian Ad Litem

Office and the Office of Child Abuse Prevention. Five members appointed by the Governor will represent children and youth advocacy organizations.

The bill requires the cabinet to develop a strategic plan to align public resources for children from prenatal care through transition to adulthood, and to measure their results.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/HB 1309 – Adoption and Child Protection

By Policy & Budget Council; Healthcare Council; Galvano and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1388

Committee(s) of Reference: Healthcare Council; Healthy Families; Policy & Budget Council

The bill changes all references to the Office of Child Abuse Prevention to the Office of Adoption and Child Protection and adds the promotion of adoption and the support of adoptive families to all references made to the purposes and goals of the Office. It also renames the director of the Office as the Chief Child Advocate.

The bill specifies duties for the Chief Child Advocate including formulating and recommending rules pertaining to the promotion of adoption, supporting adoptive families, implementing child abuse prevention efforts, and developing adoption and child abuse prevention public awareness campaigns.

The bill authorizes and directs the Office to oversee the preparation and implementation of a state plan; revise and update the plan as necessary; conduct or provide for continuing professional education and training in the prevention of child abuse and neglect; and monitor and evaluate the development and quality of local and statewide services; and, distribute and publish an annual report of its findings before January 1 of each year. The report is to include a summary of the activities of the Office, a summary of adoption data and child abuse prevention data and recommendations for improvement.

The bill renames the Child Abuse Prevention Advisory Council as the Child Abuse Prevention and Permanency Council, and specifies that an adoptive parent who has adopted a child from within the child welfare system shall also serve as a member of the Council. The promotion of adoption and support of adoptive families is made part of the Council's mission.

The bill authorizes the Office of Adoption and Child Protection to establish a direct-support organization to support the state in carrying out its purposes and responsibilities regarding the promotion of adoption and the support of adoptive families and the prevention of child abuse, by raising money, receiving grants and making expenditures on behalf of the Office.

The bill requires the Department of Children and Family Services to provide adoption assistance to parents who adopt a child within the welfare system in the amount of \$5,000 annually or in an amount other than \$5,000 as determined by the adoptive parents and the department.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/HB 1477 – Forensic Mental Health

By Policy & Budget Council; Healthcare Council; Ausley and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 542

Committee(s) of Reference: Healthcare Council; Healthy Families; Policy & Budget Council

The bill provides matching grants to communities to bring together criminal justice, mental health, and community leaders to develop local programs to identify and treat adults and juveniles with mental health problems to reduce their burden on the criminal justice system.

Counties can apply for one-year planning grants or three-year program grants. Local Public Safety Councils or other committees will serve as planning groups for the grants and make recommendations to county commissioners. The groups are required to include mental health and substance abuse experts, consumers, and representatives of the juvenile justice system, in addition to their regular public safety representatives.

The bill also establishes the Criminal Justice Mental Health Policy Council to coordinate policy among state agencies, and creates the Public Safety, Mental Health, and Substance Abuse Technical Assistance Center at the University of South Florida, to help communities plan and implement their local efforts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SM 1506 – State Children's Health Insurance Program

By Health Policy; Peaden and others

Tied Bills: None

Iden./Sim Bills: CS/HM 889

Committee(s) of Reference: Health Policy; Health and Human Services Appropriations (W/D)

This Memorial is a resolution by the Legislature that will be sent to the President and Congress to encourage reauthorization of funding for the State Children's Health Insurance Program (SCHIP). SCHIP funds are used to match state funds to pay for premium assistance for children in low-income families who are uninsured and not eligible for Medicaid.

Copies of the memorial will be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

CS/CS/SB 2114 – Independent Living Transition Services

By Health and Human Services Appropriations; Judiciary; Rich and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1215

Committee(s) of Reference: Children, Families, and Elder Affairs; Judiciary; Health and Human Services Appropriations

The bill provides for a number of changes related to older children who are in the foster case system, including:

- Authorizing the caseworker at the agency at which the state has placed a child to sign a minor's application for a driver's license. The caseworker is required to notify the foster parents or other responsible party of his or her intent to sign the application;
- Making young adults who were placed with a court-approved dependency guardian or adopted from foster care after reaching age 16 and have spent a minimum of 6 months in foster care within the 12 months preceding such adoption or placement eligible to be provided with independent living transition services;
- Providing that foster parents or caregivers cannot have their licensure status jeopardized as a result of actions of a child engaged in approved independent living activities;
- Requiring a child who has reached 16 years of age to be formally evaluated for a subsidized independent living arrangement;
- Expanding the Medicaid eligibility criteria to include 20 year old young adults who have aged out of foster care; and
- Removing the disability of nonage for minors for the purposes of securing depository financial services such as checking and savings accounts.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Healthy Seniors

CS/HB 97 – Medicare Supplement Policies

By Healthcare Council; Hays

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 266

Committee(s) of Reference: Healthcare Council; Healthy Seniors

HB 97 allows employers of at least 50 employees to offer Medicare supplement policies to employees that are not subject to requirements in statute for Medicare supplement insurance. The bill amends s.627.672(1), F.S., to exclude Medicare Supplement Insurance offered to employees or former employees by employers that have at least 50 employees at issue from the definition of “Medicare supplement policy.” The change in definition also requires employers to offer two options of continued insurance coverage to employees age 65 or older who have terminated eligibility.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/HB 397 – Caregivers for Adults

By Healthcare Council; Anderson and others

Tied Bills: None

Iden./Sim Bills: CS/SB 434

Committee(s) of Reference: Healthcare Council; Healthy Seniors; Policy & Budget Council

HB 397 allows the Department of Elder Affairs (DOEA) to establish a pilot program to train persons to act as companions and provide personal assistance to frail adults age 60 or older. The purpose of the pilot is to assist in meeting the growing demand for companion and personal assistance services, prevent institutionalization and act as a referral service for the Department of Elder Affairs. The location of the pilot may be Pinellas county, Pasco county or both.

The Department of Elder Affairs must submit a status report to the Senate and House by January 1, 2010, that also includes recommendations regarding expansion of the pilot and further legislation. The bill appropriates \$75,000 of non-recurring general revenue to the Department of Elder Affairs to fund the pilot program.

HB 397 also provides recurring funds to the Department of Elder Affairs to complete statewide implementation of the Aging Resource Centers. The bill provides \$1,350,000 in General Revenue and \$1,650,000 in Operations and Maintenance Trust Funds for this purpose.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/SB 590 – HMO Contract/New Subscriber’s Rights

By Health Regulation; Saunders

Tied Bills: None

Iden./Sim Bills: CS/HB 1001

Committee(s) of Reference: Health Regulation; Government Operations; Banking and Insurance

SB 590 amends s. 641.31 F.S., to expand the right of a subscriber covered under a Health Maintenance Organization (HMO) contract who is a resident of a Continuing Care Retirement Community (CCRC) or a retirement facility to be referred to that facility's skilled nursing unit or assisted living facility upon the subscriber's request and with the agreement of the facility. The bill requires that the subscriber's primary care physician make a finding that the requested care is medically necessary.

The bill requires that the HMO provide a written disclosure of these rights to new subscribers living in a Continuing Care Retirement Community or retirement facility, including the right to use the grievance process in s. 641.511, F. S., if their request to be referred is not honored.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**CS/CS/SB 1916 – Assisted Living Facilities/Adult Day Care Centers
By Health and Human Services Appropriation; Health Regulation; Fasano
Tied Bills: None**

Iden./Sim Bills: CS/HB 1019

Committee(s) of Reference: Children and Families and Elder Affairs; Health Regulation; Health and Human Services Appropriations

SB 1916 requires the Department of Elder Affairs to adopt, or contract with an entity to develop a curriculum for the minimum core training requirements for assisted living facilities. The bill also provides specific criteria for persons who perform the training and requires the Department to register persons to conduct the training.

SB 1916 also amends s.429.907, F.S., to provide exemptions to separate license requirements for the temporary relocation of adult day care centers in the event of disaster or emergency as defined in statute. The bill also requires the licensee to include the location of separate premises in approved County Emergency Management Plans and provide notification to the Agency for Health Care Administration and County authorities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HOUSE OF REPRESENTATIVES

Jobs & Entrepreneurship Council

Representative Ron Reagan, Chair

Representative Donald D. “Don” Brown, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Committee on Business Regulation

Representative Carlos Lopez-Cantera, Chair
Representative Stephen L. Precourt, Vice Chair

Committee on Financial Institutions

Representative Jennifer Carroll, Chair
Representative Garrett Richter, Vice Chair

Committee on Insurance

Representative Donald D. “Don” Brown, Chair
Representative Ralph Poppell, Vice Chair

Committee on Utilities & Telecommunications

Representative Dave Murzin, Chair
Representative Will W. Weatherford, Vice Chair

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Jobs & Entrepreneurship Council

SB 282 – Designated Drivers

By Fasano

Tied Bills: None

Iden./Sim Bills: CS/HB 169

Committee(s) of Reference: Regulated Industries; Commerce

The Division of Alcoholic Beverages and Tobacco [division], Department of Business and Professional Regulation (DBPR), is the state agency given responsibility for enforcement of Florida's alcoholic beverage laws.

Current provisions of the beverage laws specify:

Retail alcoholic beverage establishments; rights as private enterprise.

A licensed retail alcoholic beverage establishment open to the public is a private enterprise and may refuse service to any person who is objectionable or undesirable to the licensee, but such refusal of service shall not be on the basis of race, creed, color, religion, sex, national origin, marital status, or physical handicap.

The bill specifies that a person who is acting as a designated driver for a patron who is purchasing alcoholic beverages from a retail vendor could not be refused service solely because the driver is not purchasing alcoholic beverages.

The bill further specifies that a retail alcoholic beverage establishment is not exempted from complying with any local ordinance regulating the presence of persons under 21 years of age on the premises.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/HB 517 – Financial Responsibility for Motor Vehicles

By Jobs & Entrepreneurship Council; Evers

Tied Bills: None

Iden./Sim Bills: SB 854

Committee(s) of Reference: Jobs & Entrepreneurship Council; Policy & Budget Council (W/D)

Florida's Financial Responsibility Law requires proof of ability to pay monetary damages for bodily injury and property damage liability arising out of motor vehicle accidents or serious traffic violations. The bill amends the Financial Responsibility Law in chapter 324 to provide an exemption for active members of the Armed Forces and their dependent spouses. Specifically, the bill allows a member of the United States Armed Forces to be exempt from providing an automobile liability insurance policy as proof of financial responsibility if the member is the owner, registrant, or operator of a motor vehicle as long as the member is called to or on active duty outside of Florida or outside of the United States and the vehicle is primarily maintained at the member's place of deployment. The exemption also applies to the dependent spouse of the service

member if spouse resides with the member where the service member is deployed, is the owner of the vehicle, and the vehicle is primarily maintained at the member's place of deployment. The exemption only applies while the service member is on active duty out of the state or out of the country and only if the service member obtains security for the vehicle that complies with the laws and regulations of the place of deployment (if the deployment is in another state or territory).

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/HB 529 – Communications

By Policy & Budget Council; Jobs & Entrepreneurship Council; Traviesa and others

Tied Bills: None

Iden./Sim Bills: CS/CS/CS/SB 998; includes HB 1565; SB 2368; includes part of SB 2908

Committee(s) of Reference: Jobs & Entrepreneurship Council; Policy & Budget Council

CS/CS/HB 529 creates a regulatory scheme for state-issued cable and video franchises. It also addresses issues relating to telecommunications services regulated by the Public Service Commission.

Cable and Video Franchises

The bill creates the Consumer Choice Act of 2007, creating Ch. 610, F.S., to provide a regulatory scheme for state-issued cable and video franchises, and prohibiting municipalities and counties from granting new cable or video franchises. The new regulatory scheme takes effect on July 1, 2007.

Under this new regulatory scheme, the Department of State (DOS) will serve as the franchising authority and will receive and process applications for state-issued certificates of franchise authority. Each certificate of franchise authority will represent a grant of authority to provide cable or video service as requested in the application and to construct, maintain, and operate facilities on any public right-of-way or waters, subject to applicable government permitting or authorization from the Board of Trustees of the Internal Improvement Trust Fund. The grant of authority is subject to the lawful operation of the cable or video service by the applicant, and each certificate will describe the applicable service area.

Specific information must be included in a cable or video service provider's application and accompanying affidavit filed with DOS and provides procedures by which DOS shall process applications.

In the affidavit accompanying its application, the cable or video service provider must, among other things, describe the service area for which it seeks a certificate of franchise authority. The service area for an incumbent cable or video service provider with an existing franchise agreement must be the same as the service area description in its existing local franchise. The service area for entities using telecommunications facilities to provide video service must be described in terms of entire wire centers. For all other providers, the initial service area must be described on a municipal or county basis. If a certificateholder seeks to include additional service areas, it must file an amendment to

its certificate with DOS, describing the new service area or areas to be served, within five business days of providing service in each such area.

There is one-time application fee of \$10,000 for a certificate of franchise authority. A parent company may file a single application covering itself and all of its subsidiaries and affiliates intending to provide cable or video service. Every five years, each certificateholder must file with DOS an update to the information contained in its original application along with a processing fee of \$1,000. The application and update processing fees must be transferred to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services (DACS) to be maintained in a separate account within the Fund. In addition to these fees, each initial application and any amendments or information updates must be accompanied by a fee equal to that for filing articles or incorporation with DOS.

Upon Ch. 610, F.S., becoming law, an incumbent cable or video service provider operating under an unexpired franchise agreement may apply for a state-issued certificate of franchise authority and terminate its existing franchise upon issuance of a certificate. Any obligation under an existing municipal or county franchise that exceeds the obligations imposed on a certificateholder in the area covered by the certificate is deemed to be against public policy and void.

All cable or video service providers must abide by customer service standards in the Federal Communication Commission's (FCC) rules. If a municipality or county has an office dedicated to responding to cable or video customer service complaints, it may continue to respond to such complaints until July 1, 2009. On July 1, 2009, all cable or video customer service complaints will be handled by DACS. DACS is granted the authority to adopt rules relating to its handling of customer service complaints, but it is not permitted to establish customer service requirements inconsistent with FCC rules.

The continued availability of public, educational, and governmental (PEG) access channels is addressed. A certificateholder must designate a sufficient amount of capacity on its network to allow for the same number of PEG channels that a municipality or county has activated under the incumbent provider's franchise as of July 1, 2007. A PEG channel is considered activated when it shows programming at least 10 hours per day on average, with at least 5 hours being nonrepeat programming. A municipality or county may request additional PEG channels permitted under the incumbent's franchise, provided that the usage of any new public access channel must be determined by a majority of the provider's subscribers in the jurisdiction.

If a municipality or county that does not have PEG channels activated under the incumbent's franchise as of July 1, 2007, it may, after expiration of the incumbent's franchise, request and be provided up to two PEG channels. The usage of such channels must be determined by a majority of the subscribers in the jurisdiction. When new PEG channels are selected, subscribers must receive notice that public access channels are unfiltered programming and may contain adult content.

In addition, the responsibility of certificateholders and local governments with respect to the cost of connection to the origination point for each PEG channel, and the form and content of PEG channel transmissions, is established. Interconnection requirements for incumbent providers and certificateholders relating to provision of PEG channels are provided.

For municipalities and counties that currently receive support for PEG channels, this support must continue until the earlier of the expiration of the existing franchise agreement or July 1, 2012, using a formula that provides the support on a per subscriber basis.

Municipalities and counties are permitted to request and receive one active basic cable or video service outlet to K-12 public schools, public libraries, or local government administrative buildings, provided that such services shall not be made available in an area viewed by the general public and shall not be used for commercial purposes.

Franchising authorities, state agencies, and political subdivisions are prohibited from imposing any buildout, system construction, or service deployment requirements on certificateholders.

Municipalities and counties are prohibited from discriminating among certificateholders with respect to access to rights-of-way, buildings, or other property, and terms and conditions for utility pole attachments. Municipalities and counties are also prohibited from imposing additional requirements on certificateholders, including financial, operational, or administrative requirements. While a municipality or county may not require its approval of a transfer of ownership or control, it may require the certificateholder to provide notice of such a transfer. Furthermore, a municipality or county may require the issuance of a permit for the placement and maintenance of facilities in the public right-of-way on terms consistent with permits issued to other telecommunications providers.

Municipalities and counties are prohibited from imposing any fees on certificateholders in connection with use of the public right-of-way, except for those franchise fees collected through the Communications Services Tax and permitting fees collected under s. 337.401(6), F.S.

In addition, cable or video service providers are prohibited from denying access to service to any individual or group of potential residential customers based on race or income. Section 501.2079, F.S., is created, under which the Department of Legal Affairs is granted authority to enforce this prohibition. Enforcement is also provided through ss. 501.206, 501.207, and 501.211, F.S.

In determining whether a violation has occurred, cost, density, and technological and commercial limitations must be taken into consideration. A cable or video service provider may satisfy the nondiscrimination requirement through the use of alternative technology that offers service, functionality, and content that is demonstrably similar to that provided by the provider's system, as long as the technology meets the requirements of Ch. 610, F.S. A service provider does not violate the nondiscrimination requirement if it is unable to provide access to service because it is prohibited from placing its facilities in a building or property or due to a natural disaster. Further, a service provider is not required to offer service in an area with a customer density of fewer than 30 homes per linear mile.

If a court finds that a provider has engaged in unlawful discrimination and the provider fails to cure its noncompliance within a reasonable time as specified by the court, the provider will be liable for a civil penalty of up to \$15,000 for each violation.

Discrimination against each individual member of a group is considered a separate violation subject to a separate penalty.

If a court prevents an incumbent cable or video service provider from terminating its existing franchise and requires the incumbent to continue to operate under that franchise, the bill provides that any certificateholder providing service in the incumbent's franchised service area shall make payments to the municipality to fund obligations related to support for PEG channels and institutional networks. The manner in which those payments will be calculated is specified. The payments may be designated as a separate item on a customer's bill.

The Office of Program Policy Analysis and Governmental Accountability must submit reports by December 1, 2009, and December 1, 2014, on the status of competition in the cable and video service industry. DACS is required to submit a report to the Legislature by January 15, 2008, regarding the workload requirements associated with the new regulatory scheme for cable and video service franchising.

The current cable franchising law in s. 166.046, F.S. is repealed. Statutes related to the Communications Services Tax, the use of rights-of-way, and communications services offered by governmental entities are amended to conform to the new cable franchising laws.

Telecommunications Services

Section 364.10, F.S. is amended to establish a process by which eligible low-income customers may be automatically enrolled to receive discounted basic local telephone service through a Lifeline Assistance Plan. If a state agency determines that a person is eligible for Lifeline service, the agency must immediately forward the information to the Public Service Commission (PSC) to ensure that the person is enrolled in Lifeline. The agency must include an option for eligible customers to choose not to subscribe to Lifeline service. The PSC and the Department of Children and Family Services (DCF), by December 31, 2007, are required to adopt rules establishing procedures for automatic enrollment. Further, by December 31, 2007, the PSC, DCF, and the Office of Public Counsel are required to enter into a memorandum of understanding establishing their respective duties related to automatic enrollment.

Section 364.164, F.S., which was created in 2003, is repealed. This section allowed a local exchange telecommunications company (LEC) to petition the PSC for approval to raise its basic local service rates, provided that the resulting increase in revenues be offset by a reduction in the company's intrastate access rates. Section 364.385, F.S., is amended to provide that the rates and charges for basic local service approved by order of the PSC pursuant to s. 364.164, F.S., and in effect immediately prior to July 1, 2007, shall remain in effect. Any additional increases will not become effective. Section 364.163, F.S., is amended to provide that the intrastate access rates in effect immediately prior to July 1, 2007, shall be capped at that level until July 1, 2010. Further, provisions in s. 364.051, F.S., which provide that once a LEC's intrastate access rates reach parity with interstate access rates, the LEC may petition the PSC to be regulated in the same manner as competitive providers are repealed.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/SB 746 – Workers' Compensation/First Responders
By General Government Appropriations; Alexander and others
Tied Bills: None

Iden./Sim Bills: CS/HB 45

**Committee(s) of Reference: Banking and Insurance; Governmental Operations;
General Government Appropriations**

This bill provides standards for determining benefits for employment-related accidents and injuries of “first responders,” which generally increase the amount and likelihood of eligibility for workers’ compensation benefits. Many of these provisions have the effect of reversing the application to first responders of benefit changes to the workers’ compensation law enacted in 2003 (Ch. 2003-412, L.O.F.).

The bill defines “first responder” to include a law enforcement officer; a firefighter; an emergency medical technician or paramedic; and a volunteer firefighter, law enforcement officer, emergency medical technician, or paramedic engaged in employment by the state or local government.

The bill amends current law regarding first responders that are exposed to toxic substances and that contract occupational diseases. The burden of proof for first responders in these cases is reduced from a clear and convincing standard to a preponderance of the evidence standard. Thus, the standard of proof in these claims is that which existed prior to the passage of chapter 2003-412, L.O.F., a preponderance of the evidence standard.

The bill changes current law relating to the psychiatric injuries sustained by first responders. First, the bill allows a first responder to receive medical care even if the psychiatric injury is not accompanied by a physical touching but does not allow the first responder to receive payment of indemnity benefits (lost wages) unless a physical injury accompanies the psychiatric injury. Second, the bill exempts psychiatric benefits for first responders from the limits contained in current law for psychiatric benefits for injured workers other than first responders. In this regard, the bill allows first responders to receive unlimited temporary indemnity and permanent impairment benefits for psychiatric injuries whereas all other workers can only receive temporary indemnity benefits for six months after the worker reaches MMI for the physical injury and can only receive a maximum 1 percent permanent impairment rating for the psychiatric injury.

The bill amends current law to allow any injured first responder to receive permanent total disability supplemental benefits for life if the injured first responder is employed by an employer who does not participate in the Social Security program.

The bill provides that any adverse result or complication by a first responder to a smallpox inoculation is compensable, meaning the first responder can receive medical care and lost wages under workers’ compensation for adverse reactions.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming law.

**CS/SB 1100 –Securities Transactions Regulation
By General Government Appropriations; Alexander****Tied Bills: None****Iden./Sim Bills: None****Committee(s) of Reference: General Government Appropriations**

Senate Bill 1100 increases the annual regulatory fee on investment advisers/security industry agents from \$30 to \$50 per year. The increased revenues will be allocated to the Regulatory Trust Fund to fund resources in the Office of Financial Regulation. The increase in fees will bring in additional revenues of approximately \$6 million on an annual basis.

The Office of Financial Regulation reports that the number of registered securities firms and agents has increased significantly over the past 10 years, staffing for the program has decreased and regulatory fees have remained constant. Florida's registration fees will remain below the average for other states with comparable numbers of registrants.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 1818 – Telecommunications Industry/Reports**By Governmental Operations; Communications and Public Utilities; Haridopolos****Tied Bills: None****Iden./Sim Bills: CS/HB 787****Committee(s) of Reference: Communications and Public Utilities; Governmental Operations**

CS/CS/SB 1818 amends s. 364.386, F.S., relating to the Public Service Commission's (PSC) annual report to the Legislature on the status of competition in the telecommunications industry. The due date of the annual report is changed from December 1 to August 1, with the next report being due on August 1, 2008. The PSC is required to send its annual data request to providers of local exchange telecommunications services by March 1 of each year. These providers must respond by April 15 of the same year.

In lieu of the quantitative information requested in the PSC data request, providers of local exchange telecommunications services are allowed to provide: (1) a copy of the Federal Communications Commission's (FCC) FCC Form 477 which must identify Florida-specific access line data, and (2) provisioned Florida access line data by telephone exchange location.

The PSC's ability to obtain qualitative information through its annual data request is preserved.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 2498 – Hurricane Preparedness & Insurance**By Banking and Insurance; Garcia and others****Tied Bills: None****Iden./Sim Bills: CS/CS/HB 1267; includes part of HB 7077; includes part of CS/SB 1866; includes part of CS/CS/HB 1223**

Committee(s) of Reference: Banking and Insurance; General Government Appropriations

This bill makes numerous changes to the property insurance law, including changes to Citizens Property Insurance Corporation (Citizens). Many of the changes provided by the bill are to provisions that were contained in property insurance legislation enacted during the 2007A Special Session (Ch. 2007-1, L.O.F.; HB 1A). The changes are as follows:

Citizens Property Insurance Corporation

In 2002, the Florida Legislature created Citizens Property Insurance Corporation (Citizens) which combined the then existing Florida Residential Property and Casualty Joint Underwriting Association and the Florida Windstorm Underwriting Association. Citizens is the state's "insurer of last resort" and has historically operated as a residual market for property insurance.

Citizens offers three types of property and casualty insurance in three separate accounts: 1) Personal Lines Account (PLA) which covers homeowners, mobile homeowners, dwelling fire, tenants, condominium unit owners and similar policies; 2) Commercial Lines Account (CLA) covering condominium associations, apartment buildings and homeowners associations; and 3) High-Risk Account (HRA) which covers personal lines windstorm-only policies, commercial residential wind-only policies and commercial non-residential wind-only policies.

As of April 6, 2007, Citizens provided coverage to almost 1.3 million policyholders, making Citizens the largest insurer in Florida.

The bill makes substantial changes to Citizens. Some of the changes made provide extended rate relief to Citizens' policyholders and place Citizens in a more competitive role with the private market. Specific changes to Citizens are as follows:

- Revises the legislative findings for Citizens to help it support its tax-exempt status.
- Retains current law regarding Citizens' Board of Governors – 8 member board with Chief Financial Officer appointing the chair.

Eligibility for Residential Coverage in Citizens

- Revises the provision enacted in HB 1A (Ch. 2007-1, L.O.F.) that places Citizens in more direct competition with the voluntary market by further expanding the eligibility for residential coverage from Citizens. The bill allows a new applicant to Citizens to obtain coverage from Citizens even if the homeowner has an offer from a private market insurer at its approved rate if the private market insurer's premium is 15 percent or greater than the premium for comparable coverage from Citizens. House Bill 1A contained the same provision, but allowed a Citizens' applicant to obtain coverage from Citizens if the private market insurer's premium was 25 percent or greater than the premium for comparable coverage in Citizens.

- For purposes of keeping policies out of Citizens, defines and provides guidelines for Citizens and insurance agents to use to determine if comparable coverage has been offered by a private market insurer.
- Allows Citizens' business plan relating to the creation of an electronic database to determine eligibility for coverage in Citizens to require authorized insurers or agents to submit electronic information needed by Citizens to make a determination of Citizens' eligibility.
- Requires an authorized insurer that submits information to Citizens that results in a risk being denied coverage in Citizens to offer coverage to the risk at its approved rates for at least one year.
- Permits a policyholder that has been removed from Citizens via an assumption agreement with another insurer to continue to be eligible for Citizens' coverage through the end of the assumption period regardless of any offers of coverage that policyholder receives from an authorized insurer or surplus lines insurer.
- Makes property insured in Citizens for \$1 million or more ineligible for coverage in Citizens starting January 1, 2009, rather than July 1, 2008. Maintains current law specifying how such property can overcome ineligibility.

Rates for Coverage in Citizens

- Extends the rate freeze for Citizens' rate increases enacted in HB 1A for another year (from 2007 only to 2007 and 2008). New rates for Citizens' coverage are to take effect January 1, 2009.

Standards of Conduct for Citizens' Employees

- Requires Citizens' board members and senior managers to file financial disclosure with the Commission on Ethics and the Office of Insurance Regulation, rather than the Office of Insurance Regulation only.
- Applies the two-year revolving door provision prohibiting Citizens' employees from obtaining employment or having a contractual relationship with an insurer that has a take-out bonus agreement with Citizens to senior managers only.
- Requires a Citizens' employee suspecting fraud committed by another Citizens' employee to report the suspected fraud to the Citizens' Office of the Internal Auditor and the Division of Insurance Fraud within the Department of Financial Services, rather than the Division of Insurance Fraud only.

Other Changes to Citizens

- Repeals the 10-day waiting period required before a Citizens' policy can be bound.
- Allows Citizens to offer a monthly premium payment plan.
- Clarifies the newly expanded Citizens' assessment base (expanded in HB 1A) applies only to Citizens' deficits incurred after January 25, 2007.

- Eliminates the adjust your own requirement for private insurers. This requirement requires insurers writing non-wind coverage to issue and service Citizens' wind policies.
- Subjects Citizens to liability and causes of action for breach of contract or for policy benefits and subjects Citizens to attorney fees in such cases if the policyholder wins the suit.
- Provides guidelines and requirements for Citizens' management of its claims adjusters, independent adjusters, and other claims handlers.
- Allows the Office of Insurance Regulation to create a pilot program to allow Citizens to offer additional sinkhole coverage as an option to the base property insurance policy. HB 1A enacted during Special Session authorized insurers to cover only catastrophic ground cover collapse in the base policy and offer additional sinkhole coverage as an option with an additional premium.

Citizens Mission Review Task Force

- Creates "The Citizens Property Insurance Corporation Mission Review Task Force" (Task Force). The Task Force's charge is to analyze and compile data pertinent to developing a report specifying the statutory and operational changes needed for Citizens to operate as a state created, noncompetitive residual market. The report is to be submitted to the Governor and the Legislative presiding officers by January 31, 2008. The Task Force is staffed by the Department of Financial Services.
- Delineates specific areas the Task Force must provide recommendations on in its report to the Governor and Legislative presiding officers. The Task Force is required to hold meetings, take testimony, and conduct research to fulfill its charge.
- Specifies the membership of the 19 member Task Force:
 - Three members appointed by the House Speaker;
 - Three members appointed by the Senate President;
 - Four members appointed by the Governor, none of which can be affiliated with insurers and two of whom must represent consumers; and
 - Nine members representing private sector insurers, six of which represent insurance companies with specified policy counts and three of which represent insurance agents and are appointed by the Chief Financial Officer.
- Specifies when the appointing entities must make the Task Force appointments (30 days after the effective date of the bill), when the Task Force must convene its first meeting (within one month of appointment of all Task Force members), and when the Task Force expires (no later than 60 calendar days after report submission). The bill does not allow Task Force members to receive compensation for service but allows them to receive state-allowed per diem. The Task Force is allowed to employ consultants and administrative staff. Citizens'

senior staff is required to attend Task Force meetings and to cooperate with the Task Force.

- The Task Force is funded by a \$600,000 appropriation from the Insurance Regulatory Trust Fund.

Insurer Affiliates and Subsidiaries (“Pup Companies”)

- Starting December 31, 2008, prohibits the formation of new “pup companies” for the transaction of residential property insurance.
- Starting December 31, 2008, requires the rate filings of “pup companies” to include information about the profits of the parent insurer that is located out of state.
- For initial capital requirements, redefines “pup company” to be a domestic insurer that transacts residential property insurance and is a wholly owned subsidiary of an insurer domiciled in any other state. Maintains current law which requires a “pup company” to have \$50 million in surplus in order to obtain a certificate of authority to transact insurance in Florida.

Timely Payment of Property Claims (90-Day Pay or Deny Provision)

House Bill 1A (Ch. 2007-1, L.O.F.) required property insurers to pay or deny a claim within 90 days of the receipt of the claim, unless the failure to pay the claim was caused by factors beyond the control of the insurer that reasonably prevented payment. The bill revises this provision as follows:

- Requires property insurers to pay or deny residential property claims (e.g., homeowner, mobile homeowner, condominium unit owner, tenant, condominium association) in whole or in part within 90 days of notice of a claim, unless failure to pay the claim is caused by factors beyond the control of the insurer that reasonably prevent payment.
- Requires property insurers to pay or deny commercial property claims in whole or in part within 90 days of notice of a claim if the insured structure is 10,000 square feet or less, unless failure to pay the claim is caused by factors beyond the control of the insurer that reasonably prevent payment.
- Requires property insurers to pay or deny commercial tenants contents claims in whole or in part within 90 days of notice of a claim if the insured premises is 10,000 square feet or less unless failure to pay the claim is caused by factors beyond the control of the insurer that reasonably prevent payment.
- Does not require property insurers to pay or deny commercial property claims, including contents claims, in whole or in part within 90 days of notice of a claim, regardless of the size of the commercial property, if such property is covered by an insurance policy covering commercial businesses in more than one state.

- Requires insurers to pay interest on property claims paid 90 days after the insurer receives notice of the claim or over 15 days after all factors preventing the payment resolve, whichever is later, with interest accruing as of the date the insurer receives notice of the claim and being paid when the claim is paid.
- Prohibits the 90-day pay or deny provision from being waived, voided, or nullified by the insurance policy.
- Prohibits interest paid due to an insurer's failure to comply with the 90-day pay or deny provision to be included in the insurer's rate base and used to justify a rate or rate change.
- Requires the policyholder to elect either prejudgment interest or interest provided in the 90-day pay or deny provision if prejudgment interest is owed.
- Makes failure to pay or deny a property claim within 90 days a violation of the Insurance Code, but does not allow this violation to form the sole basis for a private cause of action.

Insurance Rating Law; Premium Notice

House Bill 1A (Ch. 2007-1, L.O.F.) enacted a moratorium on the use of "use and file" rate filings by property and casualty insurers. The moratorium prevents property and casualty insurers from implementing a rate change prior to filing the rate for approval with the Office of Insurance Regulation (the "use and file" option), unless the insurer files for a rate that is less than the insurer's most recent rate approved by the Office of Insurance Regulation. The bill makes clarifying changes to the moratorium imposed in HB 1A as follows:

- Applies the moratorium on "use and file" rate filings provided by HB 1A to property insurance rate filings only and for purposes of the moratorium, automobile collision and comprehensive coverages are not considered to be property insurance.
- Applies the moratorium on "use and file" rate filings enacted in HB 1A only to those rate filings made or submitted after January 25, 2007 but before December 31, 2008.

The bill also makes clarifying changes to the provision in HB 1A requiring insurers to disclose specified information on premium renewal notices as follows:

- Clarifies insurers are required to specify the following information on residential property insurance renewal notices only:
 - Amount of any assessment by the Florida Hurricane Catastrophe Fund, Citizens Property Insurance Corporation, and the Florida Insurance Guaranty Association; and the full name of the assessing authority.
 - Amount of premium change due to an approved rate increase and the total dollar of premium increase due to coverage changes.

Coverage Exclusions; Hurricane Deductibles

The bill revises three provisions enacted in HB 1A (Ch. 2007-1, L.O.F.) that allow policyholders to significantly reduce their windstorm coverage and to assume the risk of loss, in exchange for a lower premium, as follows:

Exclusion of Windstorm Coverage

- Allows any property insurance policy to exclude windstorm coverage. This would allow homes, mobile homes, condominium associations, and commercial businesses to exclude windstorm from their property insurance.
- Allows property insurers to keep an electronic or photographic copy of the policyholder's handwritten declination of windstorm coverage.
- Prohibits the policyholder from rejecting the windstorm exclusion during the policy term. If a policyholder excludes windstorm coverage, the exclusion is applied at all subsequent renewals if the policyholder does not change the exclusion at renewal.

Exclusion of Personal Contents Coverage

- Prohibits policyholders having tenants coverage from excluding contents coverage.
- Prohibit the policyholder from rejecting the contents exclusion during the policy term. If a policyholder excludes contents coverage, the exclusion is applied at all subsequent renewals if the policyholder does not change the exclusion at renewal.
- Allows insurers to keep an electronic or photographic copy of the policyholder's handwritten declination of contents coverage.

Hurricane Deductible

- Allows an insurer to keep an electronic or photographic copy of the policyholder's handwritten choice of hurricane deductible over 10 percent.
- If a policyholder chooses a hurricane deductible over 10 percent, the bill requires that hurricane deductible to remain the deductible for the term of the policy and for each subsequent renewal if the policyholder does not change the deductible at renewal.

Non-renewal Exceptions

The notice of non-renewal provision enacted by HB 1A (Ch. 2007-1, L.O.F.) requires 100 days written notice of non-renewal of a residential property policy or written notice by June 1, whichever is earlier, if a residential property insurance policy is going to be non-renewed during hurricane season. This bill provides two exceptions to the notice of non-renewal provision enacted by HB 1A. The exceptions require only 100 days notice of non-renewal and apply when:

- A residential property insurance policy is being non-renewed only to revise the sinkhole coverage as allowed under HB 1A; and
- A residential property insurance policy is being non-renewed by Citizens for a policy that has been assumed by an authorized insurer that offers replacement or renewal coverage to the policyholder.

Florida Hurricane Catastrophe Fund (FHCF or CAT Fund or fund)

The Florida Hurricane Catastrophe Fund is a tax-exempt state fund administered by the State Board of Administration. The CAT Fund reimburses insurers for a portion of their residential hurricane losses in exchange for a premium that is much lower than what private reinsurers charge. This results in lower premiums to policyholders and enables a greater number of policies to be written. The 2007A property insurance legislation (Ch. 2007-1, L.O.F.) substantially revamped the FHCF by requiring that it offer significant additional coverage to insurers on an optional basis, notably increasing the debt of Florida and its policyholders. This bill does not make substantial changes to the FHCF or to the provisions in the 2007A legislation. The changes to the fund made by the bill are as follows:

Supplemental FHCF Coverage:

- Expands the optional \$10 million additional FHCF coverage established in the 2006 Legislative Session and extended and expanded in the 2007A Special Session to those insurers that purchased the coverage in 2006 and to all insurers qualifying as limited apportionment companies.

FHCF Assessment Base

- Exempts medical malpractice insurance from the FHCF assessment base until May 31, 2010. This has the effect of prohibiting the FHCF from assessing medical malpractice insurers for future FHCF deficits until May 31, 2010. Currently, medical malpractice insurance is exempted from the FHCF assessment until May 31, 2007.

Temporary Emergency Additional Coverage Options (TEACO)

- Changes the way the TEACO coverage amount and retention level for each insurer is defined and calculated, but does not change the overall calculation of the coverage amount and retention level.

Determination of FHCF Coverage for Insolvent Insurers Assumed by Citizens

- Deletes the June 1, 2007 expiration date in current law that authorizes Citizens to reach an agreement with the State Board of Administration to determine how to structure FHCF coverage for policies that Citizens assumes or otherwise acquires from an insurer that is placed in liquidation under chapter 631, F.S.

Insurance Capital Build-Up Incentive Program

This Program was created by the 2006 property insurance legislation (Ch. 2006-12, L.O.F.; SB 1980) and additional changes to the Program were enacted in the 2007A property insurance legislation (Ch. 2007-1, L.O.F.; HB 1A). The purpose of the Program is to provide funding in the form of "surplus notes" to new or existing authorized residential property insurers, including insurers writing only manufactured housing

policies, to incentive the insurers to write more property insurance policies in Florida. The bill makes further changes to the Program as follows:

- Allows mobile home insurers to obtain up to a \$7 million surplus note under the Program if the insurer applies for the surplus note after July 1, 2006 but before June 1, 2007.
- Establishes a priority between mobile home insurers participating in the Program based on the insurer writing the highest percentage of mobile home policies.
- Provides a definition of "an insurer writing only manufactured housing policies" to be used in the Program.

Florida Insurance Guaranty Association (FIGA)

- Clarifies FIGA can use emergency assessments for the direct payment of covered claims (not just homeowners claims) of insurers rendered insolvent by the effects of a hurricane.
- Clarifies that any kind of self-insurance fund, liability pool, or risk management fund is not covered by FIGA.
- Permits all municipalities and counties in the state to issue revenue bonds to assist FIGA in expediting the handling and payment of covered claims of insolvent insurers, rather than only counties or municipalities "substantially affected by the landfall of a hurricane."

Surplus Lines Insurance

- Before a surplus lines insurer can write personal residential insurance policies (e.g., personal residential homeowner, mobile homeowner, condominium unit owner, renters), the insurance agent must advise the insurance applicant in writing that insurance coverage for the property may be available in Citizens and such insurance may be less expensive than the surplus lines insurance. The insurance agent may also advise the insurance applicant about Citizens' assessments and coverage differences. If the notice provided by the insurance agent about Citizens' coverage is signed, the insurance applicant is presumed to be informed about Citizens' price, coverage, and assessments.
- Amends the definition of "diligent effort" for surplus lines to mean one rejection from a private insurer, instead of three rejections, if the residential structure is insured for \$1 million or more for replacement cost. This allows homeowners of \$1 million or more homes to obtain insurance with a surplus lines insurer faster than under current law.
- Allows surplus lines insurers to cancel a property, casualty, surety, or marine insurance policy for nonpayment of premium and provides circumstances under which "nonpayment of premium" can void an insurance contract.

Florida Catastrophic Storm Risk Management Center

- Creates a Center at FSU to promote and disseminate research on issues related to hurricanes.

Other Changes to Property Insurance

- Requires the insurer report card prepared by the Insurance Consumer Advocate to apply to personal residential property insurers only and requires complaints to be reported as a percentage of market share.
- Allows multi-line discounts only on multiple insurance policies purchased from the same insurer or insurer group.
- Allows insurers to offer monthly premium payment plans for personal lines residential and commercial property insurance.

Florida Building Code

- Retains the internal design options in the Florida Building Code until June 1, 2007, for a building permit application made prior to that date, meaning the effective date of the elimination of statewide applicable "internal design pressure option" for all structures as enacted by HB 1A (Ch. 2007-1, L.O.F.) is delayed until June 1, 2007. This provision of the bill applies retroactively to January 25, 2007, the effective date of Ch. 2007-1, Laws of Florida, and applies to any action taken on a building permit affected by Section 9 of Ch. 2007-1, L.O.F.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law except as otherwise provided.

CS/HB 7057 – Hurricane Damage Mitigation

By Policy & Budget Council; Jobs & Entrepreneurship Council; Traviesa and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1864; SB 2688; CS/CS/SB 2836

Committee(s) of Reference: Policy & Budget Council

During the 2006 General Session, the Legislature created the Florida Comprehensive Hurricane Damage Mitigation Program and appropriated \$250 million to provide financial incentives to encourage residential property owners in Florida to retrofit their properties, making them less vulnerable to hurricane damage and helping decrease the cost of residential property and casualty insurance. The program provides free home inspections and matching grants of up to \$5000 for home mitigation. The bill makes changes to the program and the Florida Building Code, and contains other issues related to hurricane damage mitigation.

My Safe Florida Home Program

- The name of the program is changed from Florida Comprehensive Hurricane Damage Mitigation Program to the My Safe Florida Home Program (MSFH).
- Legislative intent is provided that the HSFH program provide at least 400,000 inspections and at least 35,000 grants.
- The Department of Financial Services (DFS) is directed to expand the MSFH program beyond its current scope to provide inspections to homeowners statewide.
- The bill clarifies that a homeowner may receive a hurricane mitigation inspection even if not applying for a grant.

- The MSFH program is limited to single family residential homes. Multi-family structures of up to four units will no longer be eligible for the MSFH program.
- The bill allows a hurricane mitigation inspector to also be the mitigation contractor if the inspector is otherwise qualified and certified.
- The bill allows hurricane mitigation inspector training to be on line or in person.
- The bill requires that an application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.
- The DFS is given authority to contract with third parties for grants management, inspection services, educational outreach, and auditing services. Contracts valued at \$500,000 or more shall be subject to review and approval by the Legislative Budget Commission.
- The DFS is directed to make an annual report by February 1 of each year on the activities of the program that shall account for the use of state funds and indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, and the number and value of grants approved.

Home Mitigation Grants

- Grants may only be used for opening protection; exterior doors, and to brace gable ends.
- To be eligible for a grant after May 1, 2007, the property must
 - have an insured value of \$300,000 or less;
 - be in the "wind-borne debris region"; and
 - be build prior to March 1, 2002.

No Interest Loans

- The DFS may develop a no interest loan program by December 31, 2007, to encourage the private sector to provide loans to owners of site-built, single family, residential property to pay for mitigation measures.
- The DFS shall pay the interest on the loans.
- The loans may be for a term of up to 3 years and cover up to \$5,000 in mitigation measures.
- The DFS may set aside up to \$10 million from funds appropriated for the My Safe Florida Home program to implement the no interest loans.

Volunteer Florida Foundation, Inc.

The DFS shall transfer the amount of \$40 million from funds appropriated to the MSFH program, including up to 5 percent for administrative costs, to Volunteer Florida Foundation, Inc., for provision of inspections and grants to low-income homeowners. Volunteer Florida Foundation, Inc., shall be responsible for inspections and grants management for low-income homeowners and shall report its activities and account for state funds on a quarterly and annual basis.

Low-income Emergency Home Repair Program

The DFS shall transfer \$1 million from the funds appropriated to the MSFH program to the Low-income Emergency Home Repair Program. The administrative expenses of the program may not exceed 5 percent of the total funds appropriated by the bill.

Public Outreach

The program shall develop brochures for distribution to general contractors, roofing contractors, and real estate brokers and sales associates explaining the benefits to homeowners of residential hurricane damage mitigation. The MSFH program shall encourage contractors to distribute the brochures to homeowners at the first meeting with a homeowner who is considering contracting for home or roof repairs or contracting for the construction of a new home. The MSFH program shall encourage real estate brokers and sales associates to distribute the brochures to clients prior to the purchase of a home.

Contractor Continuing Education

The bill adds, for applicable licensure categories, wind mitigation methodologies to contractor continuing education requirements.

Wind-loss Mitigation Study

The bill provides that it is the intent of the Legislature that scientifically valid and actuarially sound windstorm mitigation rate factors, premium discounts, and differentials be provided to residential and commercial property insurance policyholders. In order to ensure the validity of such factors, the Office of Insurance Regulation, in consultation with the Department of Community Affairs and the Florida Building Commission, is directed to conduct one or more wind-loss mitigation studies.

The studies related to residential property shall be completed by January 1, 2008 and the studies related to commercial nonresidential property shall be completed by March 1, 2008.

The General Appropriations Act contains an appropriation of \$1.5 million to the Office of Insurance Regulation to conduct these studies.

Building Code

- The Florida Building Commission must develop and adopt within the Florida Building Code recognized mitigation techniques.
- By October 1, 2007, the Building Code must require that a roof replacement for a home incorporate a secondary water barrier and strengthening the roof decking attachments.
- By October 1, 2007, the Building Code must require for a home that is located in the wind-borne debris region, that a roof replacement must also incorporate cost-effective improvements of roof-to-wall connections.
- By July 1, 2008, a home in the wind-borne debris region that has an insured value of \$750,000 or more must also have opening protections installed if the owner requests a building permit for improvements estimated to cost \$50,000 or more.

Citizens Property Insurance Corporation

By January 1, 2009, a home in the wind-borne debris region that has an insured value of \$750,000 or more must have opening protections or the home is not eligible for coverage by Citizens Property Insurance Corporation.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 7069 – Pari-Mutuel Wagering Trust Fund
By Jobs & Entrepreneurship Council; Reagan
Tied Bills: None
Iden./Sim Bills: None
Committee(s) of Reference: Policy & Budget Council

The Department of Business and Professional Regulation (DBPR) is required under Section 550.135(2), Florida Statutes, to transfer any unappropriated funds in the Pari-Mutuel Wagering Trust Fund (PMWTF) in excess of \$1.5 million to the General Revenue Fund (GR) at the beginning of every fiscal year. The remaining \$1.5 million has typically been sufficient to fund the Division of Pari-Mutuel Wagering's operations.

With the addition of slot machine gaming, the \$1.5 million balance in the PMWTF is insufficient for funding the Division's Pari-Mutuel Wagering activities and the activities related to slot machine regulation, including the statutorily required transfer to the Florida Department of Law Enforcement (FDLE) for their respective slot-related activities.

The bill amends Section 550.135, Florida Statutes, to allow the department to retain slot machine license fees, slot machine occupational license fees, and compulsive gambling prevention fees in order to fund slot operations within DBPR and FDLE. The department would be required to transfer any of the unappropriated funds in excess of slot machine regulation costs to the Chief Financial Officer for deposit in the General Revenue Fund.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 7087 – Financial Services
By Jobs & Entrepreneurship Council; Carroll
Tied Bills: None
Iden./Sim Bills: CS/SB 2084, HB 441, CS/HB 249, CS/SB 744
Committee(s) of Reference: House Calendar

The bill provides that debt cancellation, debt suspension, and guaranteed asset protection (GAP) may be offered to consumers, and a fee may be charged, by financial institutions or their subsidiaries. In other words, the fee will be charged by the entity through which the product is purchased. However, financial institutions, or their subsidiaries, are not required to offer a payment plan for the debt cancellation product fee.

The following terms are provided in the bill. The term "debt cancellation products" means loan, lease, or retail installment contract terms, or modifications to loan, lease, or retail installment contracts, under which a creditor agrees to cancel or suspend all or part of a customer's obligation to make payments upon the occurrence of specified events.

The term "guaranteed asset protection product" means a loan, lease, or retail installment contract term, or modification or addendum to a loan, lease, or retail installment contract, under which a creditor agrees to waive a customer's liability for payment of some or all of the amount by which the debt exceeds the value of the collateral. This provision also applies to all guaranteed asset protection products issued before October 1, 2007.

With the bill provisions for debt cancellation, debt suspension, and GAP products, a new insurance product is established that enables insurers to directly insure, rather than reinsure, banks and other entities against losses resulting from the writing of these products. Moreover, debt cancellation products are not regulated by the Office of Insurance Regulation. With an exception for some regulation with regards to the sale of the agreements, these products are additionally not regulated by banking regulators.

Further the bill provides that operators or owners of an automated teller machine (ATM) may charge an access fee or surcharge to a customer for use of the machine, including customers conducting transactions using an account from a financial institution located outside the United States. However, disclosure of any fee or surcharge imposed shall be in compliance with federal law.

Also, the provisions of the bill are not intended to prohibit or otherwise limit the ability of an ATM owner or operator to voluntarily enter into an agreement relating to a fee-free or a surcharge-free network.

The bill has a minimal impact to the private sector.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

HB 7159 – Pub. Rec./Lifeline Assistance Plan
By Jobs & Entrepreneurship Council; Reagan and others
Tied Bills: None
Iden./Sim Bills: CS/SB 630
Committee(s) of Reference: House Calendar

The Lifeline Assistance Program is part of the federal universal service program and is designed to enable low-income households to afford basic local telephone service.

HB 7159 creates s. 364.107, F.S., to provide that personal identifying information of participants in a telecommunications carrier's Lifeline Assistance Plan which is held by the Public Service Commission (PSC) is confidential and exempt from public disclosure.

The confidential and exempt information may be released to the applicable telecommunications carrier for purposes directly connected with Lifeline eligibility, verification, and auditing. Telecommunications carriers are prohibited from intentionally disclosing this information, except as: (1) authorized by the customer; (2) necessary for billing purpose; (3) required by process of court; (4) necessary to provide to a governmental entity for purposes directly connected with Lifeline; or (5) otherwise authorized by law. The telecommunications company is not precluded from disclosing this information to the extent it is otherwise publicly available or to provide the customer his or her own account information. Intentional disclosure of the confidential and exempt information by an officer or employee of the telecommunications carrier is a misdemeanor in the second degree.

This exemption is subject to the Open Government Review Act and shall be repealed on October 2, 2012, unless it is reenacted by the Legislature.

The statement of public necessity provides that protecting the personal identification information of Lifeline applicants will encourage qualified citizens to apply. Additionally,

the statement indicates that without the exemption the effective and efficient administration of a government program would be hindered.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**HB 7163 – Department of Business and Professional Regulation
By Jobs & Entrepreneurship Council; Lopez-Cantera and others
Tied Bills: None
Iden./Sim Bills: CS/SB 2398
Committee(s) of Reference: House Calendar**

The bill makes changes to several statutory provisions for professions regulated by the Department of Business and Professional Regulation (DBPR). It provides that:

- The DBPR is authorized to contract to collect electronic fingerprinting when fingerprints or a criminal history is required;
- Continuing education providers must report continuing education credits electronically within 10 days of course completion if the course is completed in the last month before a licensee's renewal date;
- The Construction Industry Licensing Board (CILB) must require one hour of laws and rules as a part of continuing education training for contractors;
- The CILB may adopt rules that allow applicants to demonstrate financial responsibility by providing credit scores or bonds;
- Construction contractor licensure applicants must submit and pay for fingerprints for the completion of a level 2 background check;
- The DBPR may refuse to issue, refuse to renew, or revoke the certificate of a farm labor contractor who has been convicted of certain crimes;
- Real estate licensees are allowed to attend a Florida Real Estate Commission (FREC) disciplinary case session for continuing education credit;
- The Division of Real Estate rather than the Real Estate Appraisal Board may allow an additional 6-month period after the second renewal following initial licensure for completing post licensure education courses for registered trainee appraisers who have not completed or cannot complete the courses due to individual hardship.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

**HB 7169 – Pub. Rec. & Meetings/Florida Workers' Compensation JUA
By Jobs & Entrepreneurship Council; Reagan and others
Tied Bills: None
Iden./Sim Bills: CS/SB 628; CS/HB 1429; CS/CS/CS/SB 1894; SB 2276
Committee(s) of Reference: None**

The bill creates an exemption for certain records and portions of meetings of the Florida Workers' Compensation Joint Underwriting Association, Inc., the insurer of last resort for employers who are unable to secure workers' compensation insurance coverage in the voluntary market. The bill makes confidential and exempt underwriting files, claims files until termination of litigation and settlement, audit records, certain proprietary

information, medical records, records relative to an employee's participation in an employee assistance program, certain information related to negotiations, reports regarding fraud until the investigation is closed or ceases to be active, and payroll and client lists of employee leasing companies obtained from the Department of Revenue. The bill also makes confidential and exempt a public record prepared by an attorney retained by the association to protect or represent the interests of the association or prepared at the attorney's express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association. Exceptions are provided. The bill also makes exempt that portion of a meeting at which exempt records are discussed and the minutes of that portion of such meetings. The bill also provides the constitutionally-required statement of public necessity for the exemption. Further, the bill makes the exemption subject to future review and repeal under the Open Government Sunset Review Act in 2012.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Business Regulation

CS/HB 55 – Domestic Violence

By Jobs & Entrepreneurship Council; Porth and others

Tied Bills: HB 63

Iden./Sim Bills: CS/CS/SB 188; CS/CS/SB 186

Committee(s) of Reference: Jobs & Entrepreneurship Council; Business Regulation

Any person who is either the victim of domestic violence or has reasonable cause to believe he or she is in imminent danger of becoming the victim of any act of domestic violence may file a sworn petition for an injunction for protection against domestic violence. Florida law currently prohibits dismissing from employment any person who testifies in a judicial proceeding in response to a subpoena but does not address other protections enumerated in the bill to victims of domestic violence.

The bill requires employers with 50 or more employees to allow employees who have been employed for at least 3 months to request or take up to three working days of leave with or without pay within a 12-month period if the employee is the victim of domestic violence and the leave is sought to:

- seek an injunction for protection against domestic violence;
- obtain medical care or mental health counseling;
- obtain services from a victim-services organization;
- make the employee's home secure or to seek new housing; or
- to seek legal assistance to address issues arising from the act of domestic violence and to attend and prepare for court-related proceedings arising from the act of domestic violence.

The bill requires employees to provide advance notice of the leave (except in cases of imminent danger) and use all available annual or vacation leave, personal leave, and sick leave available to the employee prior to using the leave provided for in this bill (unless this requirement is waived by the employer).

The bill authorizes employers to require documentation of the act of domestic violence, requires employers to keep information relating to the employee's leave confidential, and prohibits employers from taking any disciplinary action against the employee for exercising rights under the bill. The bill specifies that the remedy for damages to an employee aggrieved under the bill is limited to a civil suit for damages or equitable relief in the circuit court.

A tied bill, HB 63, has been passed to provide the public records exemption needed to keep confidential the information covered by this bill in public employee personnel files.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 63 – Public Records

By Porth and others

Tied Bills: CS/HB 55

Iden./Sim Bills: CS/CS/SB 186; CS/CS/SB 188

Committee(s) of Reference: Jobs & Entrepreneurship Council; Business Regulation

This bill is tied to HB 55, which requires the submission of documentation in order for an employee to be granted leave related to incidents of domestic violence.

This bill creates a public records exemption for personal identifying information contained in records documenting an act of domestic violence, which are submitted to a public agency by an agency employee as required by the provisions of HB 55. The bill also creates a public records exemption for written requests for leave submitted by an agency employee who is a victim of domestic violence and any agency time sheet that reflects such requests. The exemption for the written request and the timesheet expires one year after the leave has been taken.

The bill provides a statement of public necessity. It also provides for future review and repeal of the exemptions pursuant to the Open Government Sunset Review Act in accordance with s. 119.15, F.S, which provides that these exemptions will stand repealed on October 2, 2012, unless reviewed and saved from repeal through reenactment by the Legislature.

Subject to the Governor's veto powers, the effective date of this bill is on the same date that House Bill 55 or similar legislation takes effect, if such legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

SB 134 – Cardrooms/Dominoes

By Bullard

Tied Bills: None

Iden./Sim Bills: CS/HB 223

Committee(s) of Reference: Regulated Industries; Finance and Tax; General Government Appropriations (W/D)

As originally enacted in 1996, the cardroom statute defined “authorized games” to be those games set out in the penny-ante games statute. The cardroom statute also defined penny-ante games as “poker, pinochle, bridge, rummy, canasta, hearts, dominoes, or mah-jongg.” The cardroom statute was amended in 2003 to delete the reference to the penny-ante game statute and instead authorize only the game of poker in cardroom facilities.

Wagering on games of poker is currently authorized at cardrooms operated by pari-mutuel facilities in the state. The Division of Pari-mutuel Wagering (division) of the Department of Business and Professional Regulation (DBPR) is responsible for licensing and regulating cardroom activities and the operation of a cardroom is conditioned upon the operation of live pari-mutuel events.

Dominoes games range in skill and complexity and may be played between individuals or with partners. Currently, wagering on games of dominoes is not authorized by law.

The bill amends s. 849.086, F.S., to allow wagering on games of dominoes at licensed cardrooms in pari-mutuel facilities.

This bill defines dominoes to mean "...a game of dominoes typically played with a set of 28 flat rectangular blocks, called bones, which are marked on one side and divided into two equal parts, with zero to six dots, called pips, in each part. The term also includes larger sets of blocks that contain a correspondingly higher number of pips. The term "dominoes" also refers to the set of blocks used to play the game."

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 404 – Construction & Housing Industry/Regulation

By Community Affairs; Baker and others

Tied Bills: None

Iden./Sim Bills: CS/HB 727

Committee(s) of Reference: Regulated Industries; Community Affairs

Building code administrators, inspectors, and plans examiners are regulated by part XII of chapter 468, F.S. This regulation is under the Florida Building Code Administrators and Inspectors Board (board) and administered by the Department of Business and Professional Regulation (DBPR). A building code administrator supervises building code activities, including plans review, enforcement, and inspection.

The bill allows an additional option for an applicant to qualify for licensure as a building code inspector or plans examiner if he or she demonstrates a combination of completion of an approved training program in the field of building code inspection or plans review and a minimum of two years experience in the field; requires certification examinations to be substantially similar to those administered by the International Code Council; limits the building code enforcement official's bill of rights to official duties only; and authorizes the board to take disciplinary action if the licensee fails to enforce requirements that the licensee knows are applicable, obstructs an investigation, or provides false evidence information.

Construction Contractors are regulated under part I of chapter 489, F.S. With exemptions, construction contractors are regulated by the Construction Industry Licensing Board (CILB) within the DBPR.

The bill authorizes the CILB to conduct a criminal records background check on applicants for licensure. The bill provides that the CILB rules pertaining to financial stability may include minimum monetary requirements for net worth, cash, and bonding. Fifty percent of the monetary requirement may be met by completing a 14-hour financial responsibility course.

The bill allows for the placement of manufactured housing in mobile home parks, recreational vehicle parks, and mobile home condominiums, cooperatives, or subdivisions. The bill authorizes construction contractors to contract directly with architects and engineers for plans and designs used to apply for a building permit; specifies site specific plans or designs need not be prepared by a licensed engineer or architect when contractors use master design manuals prepared by licensed engineers or architects; specifies licensed engineers or architects are not required for the preparation of plans in order for contractors to use design guides adopted by the Florida Building Commission. The bill provides that new additions to a warehouse must comply with the latest Florida Building Code.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 500 – Instant Bingo

By General Government Appropriations; Regulated Industries; Saunders

Tied Bills: None

Iden./Sim Bills: CS/HB 191

Committee(s) of Reference: Regulated Industries; General Government Appropriations

Currently, organizations that are engaged in charitable, civic, community, benevolent, religious, or scholastic works or other similar endeavors, which have been in existence and active for a period of three years or more, and qualified as tax exempt under the provisions of s. 501(c) of the Internal Revenue Code, may conduct bingo games.

This bill authorizes these organizations to conduct "instant bingo" games. Usually referred to as pull-tabs, instant bingo is played by removing a cover from the ticket to reveal a set of numbers, letters, objects or patterns, some of which have been designated in advance as prize winners.

The bill requires that each deal of instant bingo tickets have a minimum prize payout of at least 65 percent. The bill exempts instant bingo from current bingo restrictions, e.g., instant bingo is not limited to three jackpots on any one day of play, it is not limited to two days per week, and it is not limited to a maximum value on jackpots of \$250.

This act will be known as the Evelyn Wiesman-Price Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 640 – Public Accountancy/Licensure

By Haridopolos

Tied Bills: None

Iden./Sim Bills: CS/HB 175

Committee(s) of Reference: Regulated Industries

Certified public accountants (CPA)s are regulated under the jurisdiction of the Board of Accountancy (board) within the Department of Business and Professional Regulation, Division of Certified Public Accountants. Qualifications for licensure include meeting the requirements for good moral character, formal education, and successful completion of the licensure examination.

In order to take the CPA licensure examination, certain education qualifications must be met including at least 30 semester or 45 quarter hours of formal education in excess of the hours required for a baccalaureate degree. This is commonly referred to as the 5th year/150 hour requirement. An applicant for licensure may substitute five years of work experience for the extra education credits required beyond the baccalaureate degree. Many, but not all, states have adopted this standard for licensure.

Since 1986, Florida has allowed five years of out-of-state practice as a licensed CPA as an alternative to the additional 30 semester hours beyond the baccalaureate degree requirement. To encourage other states to adopt the fifth year standard, the time frame

for out-of-state CPAs to utilize the work experience alternative to attain Florida licensure was established and has been extended three times. Since 2004 this work experience may also be substituted if the experience is obtained in Florida under the direct supervision of a Florida licensed CPA. The window for the work experience allowance is currently scheduled to be closed on October 1, 2008.

The bill repeals the 2008 deadline thus allowing the work experience alternative to formal education to become permanently available.

The bill specifies that the 80 hours of continuing professional education for CPA license renewal does not have to be live or in the classroom but may include other board approved programs, such as internet based self-study continuing education programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/CS/SB 752 – Cardrooms

By General Government Appropriations; Finance and Tax; Regulated Industries; Geller and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1377

Committee(s) of Reference: Regulated Industries; Finance and Tax; General Government Appropriations

Cardrooms are currently authorized to be operated at licensed pari-mutuel facilities in the state. The Division of Pari-mutuel Wagering (division) of the Department of Business and Professional Regulation (DBPR) is responsible for licensing and regulating cardroom activities. The operation of a cardroom is conditioned upon the operation of live pari-mutuel events.

Cardroom is currently defined to mean a facility where authorized card games (poker) are played for anything of value and players are charged a fee for participation. There is a \$2 bet limit and a maximum of three raises in any round of betting. A cardroom may operate between the hours of 12:00 noon and 12:00 midnight on any day a live event is scheduled.

The bill allows the operation of a cardroom at a pari-mutuel facility on any day for a "cumulative amount of 12 hours per day." The bill increases the \$2 bet limit to \$5. The bill allows a cardroom operator to award giveaways, jackpots, or prizes to players who hold certain specified combinations of cards. Games of Texas Hold'em are allowed without a betting limit, if the player's buy-in is no more than \$100.

The bill allows a cardroom operator to conduct tournaments. It provides that: tournaments shall consist of a series of games; the entry fee may not exceed the maximum amount that could be wagered by a participant in 10 like-kind, non-tournament games; games must be played only with tournament chips; players must receive an equal number of tournament chips for their entry fee; chips have no cash value and represent tournament points only; no limitation on the number of tournament chips may be imposed for a bet except as otherwise determined by the cardroom operator.

The bill allows the local government where the applicant for licensure desires to conduct cardroom gaming to approve cardroom operations by the governing body of the

municipality or the governing body of the county if the facility is not located in a municipality rather than limiting approval to the county only.

The bill increases the annual cardroom license fee from \$1,000 for the first table and \$500 for each additional table to \$1,000 for each table to be operated at the cardroom.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 920 – Cosmetology

By Higher Education; Regulated Industries; Wise and others

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 117

Committee(s) of Reference: Regulated Industries; Higher Education; General Government Appropriations

Chapter 477, F.S., regulates the practice of cosmetology which is currently defined to include the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes. Under this practice act, a person could also obtain a specialty registration for more narrow professional services, such as manicuring, pedicuring, or facials. Practitioners may also be registered to practice the occupation of hair braiding, hair wrapping, or body wrapping.

The bill:

- redefines "cosmetology" to include hair technician services, esthetician services, and nail technician services; allows qualified individuals who are authorized to practice, to be licensed as a hair technician, esthetician, nail technician or cosmetologist;
- revises the qualifications for practice, including the allowance of a cosmetologist licensed before July 1, 2008, to perform all services of a licensed cosmetologist; allows a facial specialist registered or enrolled in a cosmetology school before July 1, 2007, to take the exam for an esthetician license; a manicure, pedicure, or nail extension specialist registered or enrolled in a cosmetology school before July 1, 2008, to take the nail technician exam; allows specialists registered before July 1, 2008, to continue to practice under their specialty registration without taking a licensure examination; provides for the renewal of current specialty registrations;
- revises the requirements for hair technician, esthetician, nail technician and cosmetology applicants and allows persons who were enrolled or began their education prior to July 1, 2008, to take the examination and be licensed as a cosmetologist upon completion of 1,200 educational hours; adds additional procedures for out-of-country and other state endorsement; and
- splits the cosmetology license requirement of 1200 hours of training into three separate licenses and establishes new education training hours for each license. The skin care specialist registration (260 hours) becomes an esthetician license with 600 hours of training. The manicure, pedicure/nail specialist registration (240 hours) becomes a nail technician license with 350 hours of training. A hair technician license is created with 1,000 hours of training (new license). A cosmetologist license will encompass all three licenses and require 1800 hours of training. In current statute a cosmetologist is a hair stylist only not a person who is trained and licensed in all three professional areas.
- creates a cosmetology internship program and establishes requirements for interns, intern sponsors, the board and cosmetology schools and programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2008, except the appropriation is effective July 1, 2007.

CS/HB 1047 – Slot Machine Gaming, as Authorized by Section 23 of Article X of the State Constitution

By Jobs & Entrepreneurship Council; Seiler and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1038

Committee(s) of Reference: Jobs & Entrepreneurship Council; Business Regulation; Policy & Budget Council

Article X, Section 23 of the State Constitution authorizes the operation of slot machines at certain pari-mutuel facilities in Broward and Miami-Dade counties if approved by local referendum. Broward County has approved the use of slot machines. Chapter 551, F.S., sets forth the regulatory structure for the operation of slot machines by the Division of Parimutuel Wagering (division) in the Department of Business and Professional Regulation (DBPR). The chapter authorizes slot machines, limits the number of machines that may be operated at a facility to no more than 1,500 per facility, limits hours of operation to 16 hours per day, prohibits the placement of ATM machines on the licensed premises, and imposes a flat tax of 50% on slot machine revenue. Taxes are to be used to supplement public education funding statewide.

The bill allows the slot machine licensee to offer free spins or free play credit to a patron of the slot machine facility. These credits have no cash value. The bill provides that the division must have procedures for requiring slot machine licensees to implement and establish a drug testing program for slot occupational licensees. The bill deletes obsolete language referring to temporary slot machine licenses and provides that the division may issue a temporary occupational license upon proof of no criminal convictions.

The bill allows the division to issue a combination license for pari-mutuel and cardroom occupational licensees. The bill authorizes the DPBR to deny, revoke, suspend, fine, or place conditions upon the license under certain circumstances and it creates a civil fine of up to \$5,000 for violations. The bill clarifies that the \$3 million license fee is to be paid on the anniversary date of issuance of the initial license and then annually thereafter.

The bill provides that persons who are slot machine manufacturers or distributors and hold appropriate licenses issued by the division are authorized to maintain a slot machine storage and maintenance facility at any location in a county where slot machine gaming is authorized. It provides that certified education facilities may maintain slot machines for purposes of education and licensure as slot machine technicians, inspectors or investigators. It also gives the Department of Law Enforcement authority to possess slot machines for training and testing purposes.

The bill increases from 1,500 to 2,000 the number of slot machines allowed in the slot machine licensee facility. It provides that the hours of operation may be for a cumulative number of 18 hours per day during the week and 24 hours on the weekends and holidays. The bill addresses check cashing issues to prohibit cashing of a government-issued, third party, or payroll check. It allows certain checks to be cashed outside of the gaming area for designated employees and other designated entities.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 1822 – Carbon Monoxide Detectors

By Community Affairs; Banking and Insurance; Garcia and others

Tied Bills: None

Iden./Sim Bills: CS/HB 483

Committee(s) of Reference: Banking and Insurance; Regulated Industries (W/D); Community Affairs

Currently, s. 509.211, F.S., relates to "safety regulations" for public lodging establishments. Chapter 554, F.S., is the "Boiler Safety Act" and applies to the operation of boilers that are defined as "a closed vessel in which water or other liquid is heated....under pressure or vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy."

The bill requires enclosed spaces or rooms in public lodging establishments which contain a boiler that is heated by combustion of fuels, to be equipped with certified carbon monoxide sensor devices. The devices are required to be integrated with the public lodging establishment's fire detection system.

Currently, part IV of chapter 553, F.S., is the "Florida Building Code."

Beginning July 1, 2008, the bill requires construction of new buildings that will contain a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage must have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.

The bill requires the Florida Building Commission to adopt rules applicable to these installations and to incorporate the requirements into its next revision of the Florida Building Code.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/CS/SB 2234 – Regulation of Building Inspection Professionals

By General Government Appropriations; Criminal Justice; Regulated Industries; Wise and others

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 1399

Committee(s) of Reference: Regulated Industries; Criminal Justice; General Government Appropriations

Currently, home inspectors are not regulated. "Home inspection" means a limited visual examination of systems and components for the purpose of providing a written opinion of the condition of a home.

The bill creates regulation of home inspectors and provides for the creation of a regulatory program to be located in the Department of Business and Professional Regulation (DBPR). Part XV of chapter 468, F.S., is created. The bill creates a

regulatory scheme, provides definitions, scope of practice, employment guidelines, continuing education, accountability, rules, licensure, fees, and penalties.

Currently, there are numerous companies in Florida that hold themselves out to be mold assessors or mold remediators or conduct mold related services. There are no state licensure or regulatory requirements to be a mold assessor or mold remediator.

The bill creates regulation of mold assessors or mold remediators and provides for the creation of a regulatory program to be located in the DBPR. Part XVI of chapter 468, F.S., is created. The bill creates a regulatory scheme, provides definitions, scope of practice, employment guidelines, continuing education, accountability, rules, licensure, fees, and penalties.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2010.

CS/SB 2484 – Lodging & Food Service Establishments

By Regulated Industries; Haridopolos and others

Tied Bills: None

Iden./Sim Bills: CS/HB 419

**Committee(s) of Reference: Regulated Industries; Higher Education (W/D);
General Government Appropriations (W/D)**

Chapter 509, part I, F.S., provides for regulation of public lodging establishments and public food service establishments by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR). An advisory council assists the division on matters affecting the private-sector entities regulated by the division. The Secretary of the DBPR appoints five members from the entities licensed and regulated by the division and one lay member from the general public. Specifically named statewide associations are each authorized to name one representative to sit on the council.

Section 509.302, F.S., requires the division, with the advice of the advisory council, to “employ a director of education for the lodging and food service industry.” The director is charged with the responsibility to develop and implement the Hospitality Education Program (HEP). Funding of the HEP is from an annual \$10 fee imposed on licensees.

The bill increases the appointment authority of the Secretary of the DBPR to seven members. The bill eliminates the position of “director of education” and authorizes the director of the division, with advice from the advisory council, to administer the HEP.

The bill specifies that funding of enhancement of school-to-career training and transition programs for students interested in pursuing careers in the food service or lodging industry be provided by nonprofit statewide organizations in the hospitality services field. The bill specifies that funding of the current school-to-career program be enhanced by grants and the application process for the grants be administered by the division. The bill requires the training and transition programs be conducted through the public school system utilizing a curriculum approved by the division.

The bill provides that administrative fines may be used to support division programs.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Financial Institutions

SB 562 – Ownership or Transfer of Securities

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 115

Committee(s) of Reference: Banking and Insurance; Judiciary

This bill amends s. 628.511, F.S., relating to the ownership or transfer of securities by domestic insurers without the actual physical delivery of the security certificates. The bill would permit a licensed securities broker or dealer to act as the custodian for securities that are held in a clearing corporation. The bill brings Florida in conformity with the National Association of Insurance Commissioners (NAIC) Model Act on Custodial Agreements and the Use of Clearing Corporations.

NAIC's model rule 298 requires a "broker/dealer" to be "registered with and subject to jurisdiction of the Securities and Exchange Commission," maintain "membership in the Securities Investor Protection Corporation" and have "a tangible net worth equal to or greater than two hundred fifty million dollars (\$250,000,000)." This standard for a broker/dealer seeks to safeguard the insurer's securities investments by minimizing the risk of loss in the event of bankruptcy or liquidation of the custodian.

The bill revises the term "clearing corporation" by adding broker/dealer to the list of permissible custodians. This definition change correlates with the conforming deletion of the term "Federal Reserve book entry system" throughout the bill, and modifies the current law to include the various Treasury securities book-entry systems.

Additionally the bill streamlines the acquisition of controlling stock statutes for insurers and specialty insurers by expanding up to 30 days the filing period with the Office of Insurance Regulation (OIR), and the licensee, of the full acquisition statement. Further the bill provides that OIR may waive certain other requirements if there is no change in ultimate control and no unaffiliated parties are involved in the acquisition.

The bill also updates the statute to reflect the most current NAIC Model Regulation which provides, in part, improved reciprocity with other states.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

SB 672 – Credit Balances/Unclaimed Property

By Fasano

Tied Bills: None

Iden./Sim Bills: HB 583

Committee(s) of Reference: Banking and Insurance; Finance and Tax; General Government Appropriations

This bill creates s. 655.851, F.S. This section exempts credit balances held by a financial institution, a credit union, or a participant depository institution as defined in Federal law. These credit balances are the result of check-clearing functions and are

not subject to the Florida unclaimed property reporting requirements. The bill provisions will apply retroactively to those credit balances held before, on, or after July 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**CS/HB 1177 – Funeral and Cemetery Industry Regulation
By Jobs & Entrepreneurship Council; Weatherford and others**

Tied Bills: None

Iden./Sim Bills: SB 2856

Committee(s) of Reference: Jobs & Entrepreneurship Council; Financial Institutions

The bill conditionally prohibits individuals that are regulated or licensed under laws related to hospitals, nursing homes, or assisted care communities, from involvement with organizations or corporations, that are regulated or licensed under Funeral, Cemetery & Consumer Services law.

CS/HB 1177 revises regulations and practices of limited licensure for certain retired funeral and embalmer professionals. Licensure is limited to times of critical need for retired funeral-related professionals who are in good standing. Critical need means an executive order from the Governor or a federal order declaring a state of emergency in an area.

Further, the bill revises rulemaking provisions to allow for Internet use relating to the fulfillment of continuing education. Revisions are made in the bill relating to the frequency with which licensed funeral directors and embalmers are required to complete continuing education courses on HIV/AIDS.

Provisions relating to monument installation are included in the bill, and they apply to all cemeteries. Further, the bill revises ventilation requirements for certain crypts. The bill provides criteria for animal interment or entombment.

Under certain circumstances, the bill limits the liability exposure for direct disposal establishments, funeral directors, funeral establishments, and cinerator facilities that perform cremation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**CS/CS/CS/SB 1638 – Gift Certificates & Similar Credit Items
By General Government Appropriations; Commerce; Banking and Insurance;
Constantine and others**

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 1259; CS/CS/HB 919; CS/CS/SB 1198

Committee(s) of Reference: Banking and Insurance; Commerce; General Government Appropriations

In general, the bill creates two new sections of law. One section relates to gift certificates and credit items, the second relates to unredeemed gift certificates or similar credit items. More specifically, this bill provides that gift cards or credit memos may not have an expiration date, expiration period, or any post-sale charge or fee, such as a

service charge, dormancy fee, account maintenance fee, or cash-out fee unless specifically provided. The bill creates the following specific exemptions to this general premise:

- Three year expiration when a gift certificate is provided as a charitable contribution when no consideration is given to the issuer.
- One year expiration when a gift certificate is provided for an employee-incentive program, consumer-loyalty program, or promotional program and no consideration is given to the issuer.
- Specified expiration date when a gift certificate is provided as part of a larger package related to a sporting or fine arts event, convention, conference, or vacation, which has a limited duration, and if the majority of the value paid by the recipient is attributable to the sporting or fine arts event, convention, conference, or vacation.
- The provisions regarding expiration dates, expiration periods, or post-sale charges or fees do not apply to gift certificates or credit memos sold or issued by state-chartered banks and credit unions, or by certain money transmitter, if the gift certificate or credit memo is redeemable by multiple unaffiliated merchants, that accept monetary consideration remitted through the financial institution, or money transmitter, that sold or issued the gift certificate or credit memo.

Further, this bill provides that unredeemed gift certificates or credit memos, other than those described in the bill provisions are not required to be reported as unclaimed property.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/SB 1824 – Mortgages

By Commerce; Banking and Insurance; Fasano and others

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 1125; HB 349; SB 240; CS/CS/SB 352

Committee(s) of Reference: Banking and Insurance; Commerce; General Government Appropriations

The bill creates a comprehensive consumer protection package relating to mortgages. Bill provisions provide that mortgage brokers and lenders supply to borrowers detailed disclosures for various loan products. Additionally, bill provisions require that in every mortgage loan transaction, mortgage brokers and lenders shall notify a borrower of any material changes in the terms of a mortgage loan that was previously offered to a borrower within 3 business days after being made aware of such changes by the lender, but not less than 3 business days before signing the settlement or closing statement. The licensee bears the burden of proving such notification was provided and accepted by the borrower.

Moreover, a borrower may waive the right to receive notice of a material change if the extension of credit is needed to meet a bona fide personal financial emergency. An example of a bona fide emergency would be the imminent sale of the borrower's home at foreclosure during the 3-day period before signing the settlement or closing statement.

CS/CS/SB 1824 also authorizes the Office of Financial Regulation within the Department of Financial Services to take enforcement action against those mortgage brokers and mortgage lenders who violate the federal Real Estate Settlement Procedures Act or the federal Truth-in-Lending Act.

Further, the bill defines and provides penalties for the crime of mortgage fraud and the venue for prosecution.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

Committee on Insurance

CS/HB 111 – Title Insurance

By Jobs & Entrepreneurship Council; Galvano and others

Tied Bills: None

Iden./Sim Bills: CS/SB 636

Committee(s) of Reference: Jobs & Entrepreneurship Council; Insurance

The bill provides that in order to be licensed as a nonresident title insurance agent the individual must pass the required examination for licensure and must complete the continuing education requirements in the same manner as resident title insurance agents.

The premium for title insurance is divided between the title insurance company and the title insurance agent. The insurance company must receive at least 30% of the premium to cover risk. The agent may receive the remaining 70%. The bill repeals the prohibition against a title insurance agent rebating or lowering the agent's share of the title insurance premium.

Title insurance agents provide services that are related to the closing of the real property transaction, but not part of the charge for the title insurance premium. The bill repeals the prohibition against an agent charging less than actual cost for closing services.

The bill repeals the requirement that the title insurer or agency must maintain a record of the related title service charges made for issuance of the policy.

Title insurers may execute and record the certificate of release if a satisfaction or release of the mortgage has not been executed and recorded after the loan is paid in full. The bill clarifies application of the certificate of release and repeals requirement that the Financial Services Commission adopt rules establishing a minimum premium charge for each certificate of release recorded.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/HB 411 – Limited Insurance Licenses

By Jobs & Entrepreneurship Council; Precourt and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1678

Committee(s) of Reference: Jobs & Entrepreneurship Council; Insurance; Policy & Budget Council

This bill makes changes to the law relating to limited licenses to transact insurance. The bill provides for a travel insurance limited license and a motor vehicle rental insurance limited license.

Travel Insurance Limited License

Under current Florida law, there is no limited license to transact business in the area of travel insurance. The bill amends s. 626.321(1)(c), F.S., replacing the current personal accident insurance limited license with the travel insurance limited license. Travel

insurance covers: risks incidental to travel, planned travel or accommodations while traveling, including accidental death and dismemberment of a traveler; trip cancellation, interruption, or delay; loss of or damage to personal effects or travel documents; baggage delay; emergency medical travel or evacuation of a traveler; and medical, surgical, and hospital expenses related to an illness or emergency of a traveler. A travel insurance policy is effective for up to a 60-day travel period. However, the term during which the policy can be used may extend beyond 60 days. A policy or certificate that provides coverage for air ambulatory services only is not subject to the 60 day limit.

The following persons or entities are eligible to obtain the travel insurance license: a full-time salaried employee of a common carrier; a full-time salaried employee or owner of a transportation ticket agency; the developer of a timeshare plan that is the subject of an approved public offering statement under Ch. 721; an exchange company operating an exchange program approved under Ch. 721; a managing entity operating a timeshare plan approved under Ch. 721; a seller of travel as defined in Ch. 559; and a subsidiary or affiliate of any of the timeshare entities or sellers of travel are also eligible to obtain a license.

In order for an entity to obtain a travel insurance license, the entity's President, Secretary, Treasurer, and any other officer or person who directs or controls the entity's travel insurance operations must submit fingerprints.

The timeshare-related and seller of travel licensees are also subject to an educational requirement. In order to transact insurance in Florida, each employee of these licensees must receive initial training from a general lines agent or an insurer that is authorized under Ch. 624 (Insurance Code: Administration and General Provisions).

Motor Vehicle Rental Insurance Limited License

Additionally, the bill amends s. 626.321(1)(d), F.S., and it replaces the baggage and motor vehicle excess liability insurance limited license with the motor vehicle rental insurance limited license. The license covers policies offered, sold, or solicited with and incidental to the rental or lease of motor vehicles. The insurance applies only to motor vehicles that are the subject of a lease or rental agreement and to occupants of the motor vehicle.

Motor vehicle rental insurance covers the following risks: coverage in excess of that provided by the lessor for liability arising in connection with the negligent use of a leased or rented motor vehicle; damage to the leased or rented motor vehicle; damage to personal effects or travel documents; and accidental personal injury or death of the lessee and any passenger who is riding or driving with the covered lessee in the leased or rented motor vehicle.

The bill also provides that a single license issued to a business entity that offers motor vehicles for rent or lease effectively licenses each office, branch office, or place of business that makes use of the entity's business name, and allows those offices, branches, and places of business to offer, solicit, and sell insurance. This is different from existing law, which requires each location that transacts such insurance to have its own license. The effect of this change is revenue-neutral, however, because the bill provides that the agent's original appointment and biennial renewal fee for each entity must be calculated by multiplying the fees set forth in the statute by the number of offices, branch offices, or places of business covered by the license.

To that end, the bill amends s. 624.501(9), F.S., relating to the limited license fees that are payable to the Department of Financial Services (DFS). The bill adds a new subsection, which provides an exception to the method for calculating agent/entity fees that must be paid by an insurer holding a motor vehicle rental insurance limited license. Therefore, while the bill provides for a motor vehicle rental insurance limited license to be provided to a single entity, the entity's appointment and renewal fees are based on the number of locations operating under the entity's license, and fees are calculated accordingly.

The application for a motor vehicle rental insurance limited license must list the name, address and phone number for each office, branch office, or place of business that is covered by the license, and the licensee must notify the Department of specific information as to new locations that are to be covered by the license. Additionally, the licensee must notify the Department within 30 days after closing an office, branch office, or place of business, and the Department must delete that office from the subject license.

Insurance is available under the motor vehicle rental insurance limited license only if the lease or rental agreement does not exceed 60 days, and the insurance coverage does not exceed 60 consecutive days per lease period. If the initial lease is extended, the insurance coverage may be extended one time only, for up to 60 additional days.

The bill also contains a provision which states that nothing contained in the statute shall permit the sale of an insurance policy or certificate for any limited class of business in a limited license category by a person or entity other than an insurance policy or certificate offered by an authorized insurer in Florida or an eligible surplus lines insurer in Florida.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2008.

CS/CS/HB 1381 – Insurance Representatives

By Policy & Budget Council; Jobs & Entrepreneurship Council; Richter

Tied Bills: None

Iden./Sim Bills: CS/SB 2702

Committee(s) of Reference: Jobs & Entrepreneurship Council; Insurance; Policy & Budget Council

As of October 1, 2006, an entity that acts as an insurance agency must possess an insurance agency license for each place of business that conducts any activities that can only be done by a licensed insurance agency. Certain entities may file an application for registration in lieu of an application for licensure. The bill amends s. 626.112(7)(a), F.S., and it provides that each agency designated and subject to supervision and inspection as a branch office under the rules of the National Association of Securities Dealers may file an application for registration in lieu of an application for licensure.

Under current law, adjusters who have certain professional designations are exempt from licensing examination. The bill amends s. 626.221, F.S., and it no longer allows applicants for a "public adjusters" license to be exempt from the examination requirement for licensure; the bill specifies that the exemption applies to independent or company employee adjusters. The effect of this provision is that all public adjusters

must pass an examination as a requisite for licensure. The bill also expands the list of professional designations which are exempt from the examination.

Applicants for life and health insurance agent licenses are subject to certain educational requirements. Under current law, classroom courses may be offered by independent programs, but correspondence courses may only be offered by an accredited institution of higher learning. The bill amends ss. 626.7851 and 626.8311, F.S., and it allows individuals to meet the pre-licensing education requirement for life and health insurance agent licenses by taking a correspondence course offered by an independent program of study.

The bill amends s. 626.747, F.S. It allows a licensed insurance agent in charge of an insurance agency to be the agent in charge of branch insurance locations, subject to certain conditions. A licensed agent may serve as the agent in charge of branch locations as long as: no insurance activities requiring licensure take place when the agent is not physically present, and no unlicensed employee engages in any activities that require agent licensure. This portion of the bill becomes effective on January 1, 2008.

Additionally, the bill amends s. 626.865, F.S. It clarifies that a public adjuster's surety bond must be maintained continuously throughout the licensure period and until one year after termination of the license. This provision conforms to surety bond requirements for bail bond agents and surplus lines agents. The current amount of the required bond is \$50,000.

The bill amends s. 626.869, F.S., and it allows the Department of Financial Services (DFS), for good cause, to extend the deadline for an insurance adjuster to meet continuing education requirements for no more than one year. Good cause may stem from circumstances such as illness, natural disasters, etc.

The bill amends s. 626.8698, F.S., to fix an incorrect reference to which agency regulates public adjusters. The statute currently refers to the Office of Insurance Regulation and the Financial Services Commission. The bill removes these references and replaces them with a reference to DFS.

The bill amends s. 626.921, F.S., and it requires that the Florida Surplus Lines Service Office submit an agent's manual to DFS, which must provide administrative procedures that surplus lines insurance agents must follow with respect to their duties to the Service Office. DFS must approve the manual.

The bill amends s. 626.9531, F.S., which pertains to advertising materials and other communications developed by insurers. The bill requires risk-bearing entities (in addition to insurers) to clearly indicate that such communications relate to insurance products, and it requires them to clearly indicate to prospective insureds that they are acting as insurance agents when soliciting or selling insurance products.

The bill also relieves any licensed and appointed insurance agent of liability to the insured for the insolvency of any risk-bearing entity when such entity has been duly authorized or approved by the office to do business in Florida. An exception to this rule arises if the licensed and appointed agent was a controlling producer, as defined in s. 626.7491(2), of the risk-bearing entity within 2 years preceding the insolvency. In such a

case, the agent is subject to penalty as provided in s. 626.7491(8). These penalties include ceasing business and being subject to civil actions.

The bill also defines risk-bearing entities as follows:

- a reciprocal insurer as defined in s. 629.021;
- commercial self-insurance fund as defined in s. 624.462;
- group self-insurance fund as defined in s. 624.4621;
- local government self-insurance fund as defined in s. 624.4622;
- self-insured public utility as defined in s. 624.46225; and
- independent educational institution self-insurance fund as defined in s. 624.4623.

For the purposes of this section, the term "risk bearing entity" does not include an authorized insurer as defined in s. 624.09, F.S.

The bill amends s. 626.9611, F.S. It requires DFS and FSC to adopt rules to protect service members of the United States Armed Forces from dishonest and predatory insurance sales practices by insurers and insurance agents. The rules must identify false, misleading, deceptive, or unfair methods of competition, acts or practices which are prohibited under s. 626.9541, F.S. (Unfair Methods of Competition and Unfair or Deceptive Acts) or s. 626.9551, F.S. (Coercion of Debtors). The rules must be based upon model rules or model laws adopted by the National Association of Insurance Commissioners. This provision is in response to the federal Military Personnel Financial Services Act that expressed the intent of Congress that every state adopt rules or laws to protect members of the military from deceptive and improper life insurance sales practices. The Act was signed into law by President Bush in 2006.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 1549 – Examination of Insurers

By Rivera

Tied Bills: None

Iden./Sim Bills: SB 2782

Committee(s) of Reference: Jobs & Entrepreneurship Council; Insurance

This bill addresses the frequency of insurer examinations and other rules pertaining to such examinations, and the changes largely conform to the model law established by the National Association of Insurance Commissioners. Florida law requires the Office of Insurance Regulation (OIR) to conduct examinations of each insurer applying for a certificate of authority, and it requires OIR to comply with certain requirements for examining domestic, foreign, and alien insurers.

Currently, OIR is required to examine domestic insurers not less than once every 3 years. The bill amends s. 624.316(2)(a), F.S., changing the frequency of examinations to not less than once every 5 years.

The bill also amends s. 624.316(2)(e), F.S., which pertains to the rules for insurer examinations. An agreement between OIR and the insurer as to the entity that conducts the examination is no longer required. This section is also amended to expand the types of outside entities that may conduct examinations. The current list includes independent certified public accountants, actuaries, and reinsurance specialists. The bill adds

investment specialists and information technology specialists to the list of qualified examiners.

Additionally, the bill makes several changes to the requirements the rules adopted by the Financial Services Commission regarding insurer examinations. First, the rules must provide that the rates charged to the insurer by the examining firm be consistent with rates charged by other firms in a similar profession and must be comparable with the rates charged for comparable examinations.

The rules must provide that the firm that OIR selects to conduct the examination must be free of any conflicts of interest that might prevent an independent performance.

Additionally, the rules must provide that the insurer's payment for the examination must be done in accordance with rates and terms established by OIR and the examining firm. The bill removes the insurer from the process of determining the rates and terms. The insurer must pay OIR for the examination, and OIR will reimburse the examiner.

The bill also amends s. 624.316(2)(f), F.S. Remaining in the statute is the requirement that a domestic insurer that has continuously held a certificate of authority for less than 3 years must be examined at least once every year; OIR may limit the scope of the examination.

The bill removes language which states that OIR may not accept an independent certified public accountant's audit report in lieu of an examination of a domestic insurer who has continuously held a certificate of authority for less than 3 years.

The bill eliminates the \$25,000 cap on the examination payment obligations of a domestic insurer who has continuously held a certificate of authority for less than 3 years.

The bill removes the provision which requires that an insurer that has continuously held a certificate of authority without a change in ownership for more than 15 years must have an examination no less frequently than once every 5 years. Removing this language is consistent with the bill's amended language that will subject most insurers to an examination no less than once every 5 years.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 1748 – Insurance Contracts/Workers' Comp

By Gaetz and others

Tied Bills: None

Iden./Sim Bills: CS/HB 701

Committee(s) of Reference: Banking and Insurance; Regulated Industries

There is no current law requiring workers' compensation insurers or self-insurance funds to be rated by a rating service as a condition of being licensed to write workers' compensation insurance. There are currently four self-insurance funds in Florida and none of these are rated. Currently, some builders, notably national companies, require contractors or subcontractors to secure coverage with a workers' compensation carrier rated not less than an "A" by a nationally recognized rating agency as a condition of being a vendor or receiving payment.

For those employers engaged in the construction industry that obtain workers' compensation insurance from a self-insurance fund, the bill prohibits contractors from rejecting the workers' compensation insurance based solely on the fact the insurance provider, the self-insurance fund, is not rated by a nationally recognized insurance rating service. This preclusion is only effective if the self-insurance fund participates in the Florida Workers' Compensation Insurance Guaranty Association.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**CS/CS/CS/SB 1894 – Joint Underwriting Plan/Workers' Compensation
By General Government Appropriations; Governmental Operations; Banking and Insurance; Posey
Tied Bills: None
Iden./Sim Bills: CS/HB 1429; HB 7169; CS/SB 628; SB 2276
Committee(s) of Reference: Banking and Insurance; Governmental Operations; General Government Appropriations**

The bill amends laws governing the Florida Workers Compensation Joint Underwriting Association, Inc., (WCJUA) to provide greater accountability and oversight, to assist the WCJUA in achieving tax-exempt status, and to authorize additional funding mechanisms.

WCJUA Board Oversight; Tax-Exempt Status

- The bill revises the WCJUA board appointment process by requiring the Financial Services Commission (FSC) to appoint eight of the nine members instead of three members. The insurance industry will have five representatives, as currently provided by law, however, the FSC will select and appoint each respective representative from a list of five nominees for each vacancy, which would be submitted by the industry. The number of state governmental appointees would remain at four members (including the Consumer Advocate of the Department of Financial Services).
- Upon dissolution of the WCJUA, the bill requires that all assets of the WCJUA first be used to pay all debts and obligations of the plan and that any remaining assets would revert to the state. This provision will also assist the WCJUA in its effort to obtain tax-exempt status.
- To avoid significant future federal tax liabilities, the bill requires that, on or before January 1, 2008, the WCJUA is required to seek a letter ruling or determination from the IRS regarding the WCJUA's eligibility as a tax-exempt organization. Since its inception in 1994, the WCJUA has incurred an estimated \$33 million in federal income tax expenses, including \$16 million in 2006.

Code of Ethics and Financial Disclosure

- Senior managers, officers, and board members are subject to certain provisions of Part III, ch. 112, F.S., including, but not limited to, standards of conduct, public disclosure requirements, and reporting of financial interests to the Commission on Ethics on an annual basis. Currently, senior managers of state agencies are subject to these provisions. The bill authorizes an employee, director, etc., of an insurance entity to be a board member unless the insurance entity provides certain services to the WCJUA. The bill prohibits such a board member from

voting on a matter if the insurance entity would obtain a special benefit that would not apply to similarly situated entities.

- Current and prospective employees are required to submit an annual statement to the WCJUA attesting that no conflict of interest exists.
- Any senior manager or officer of the WCJUA employed as of January 1, 2008, who retires or terminates employment, is prohibited from representing another person before the WCJUA for a two-year period.
- Employees and board members are prohibited from accepting gifts of any value from a person or entity, or an employee or representative of such person or entity, that has a contractual relationship with the plan or who is under consideration for a contract. Employees or board members that fail to comply with this provision are subject to penalties, such as fines. The executive and legislative branches of government are subject to a similar prohibition as that applied to lobbyists.

Procurement of Goods and Services

- Competitive selection of goods and services valued at over \$25,000 is generally required. Exceptions for exempted services (legal and auditing, etc.), sole sourcing and emergency purchases are authorized. Any purchase that exceeds \$100,000 requires approval by the board of governors. Under current law, state agencies are generally required to procure goods and services valued over \$25,000 through a competitive selection process.
- Guidelines and criteria are provided for determining whether staff attorneys or outside attorneys should be used and factors to be used in selecting outside firms. These procedures are modeled after the guidelines that state agencies use.

Deficit Funding

- The bill authorizes a new deficit funding mechanism for WCJUA deficits by requiring the WCJUA to use any policyholder surplus attributable to one of its former subplans (subplan C) prior to assessing policyholders in the voluntary market for deficits arising from Tier One, Tier Two, or the former subplans. The surplus in subplan C is approximately \$39 million and the estimated additional funding needed is less than \$5 million.
- To defray WCJUA deficits, the bill allows the WCJUA to levy assessments ("below-the-line" assessments) against policyholders in the voluntary market and nongovernmental self-insurance funds until July 1, 2012, rather than only until July 1, 2007. Assessments in this regard can only be levied to defray deficits in Tier One, Tier Two, or any deficit remaining from any of the former WCJUA subplans.
- The bill does not extend the expiration date of the contingency reserve established in the Workers' Compensation Administration Trust Fund to fund certain WCJUA deficits. Thus, the contingency reserve will expire by operation of law on July 1, 2007. The contingency reserve was created by legislation in 2004 and funded with \$15 million of the Trust Fund monies.

Regulatory Oversight

- The WCJUA is required to refund premiums to their policyholders if the Office of Insurance Regulation disapproves a rate filing after it is implemented.

- The OIR is required to conduct periodic market conduct examinations of the WCJUA.
- The OIR is authorized to require the WCJUA to withdraw approval of all or part of the plan of operation. Currently, all changes to the plan are subject to approval by the OIR.
- The bill clarifies the WCJUA is subject to the public records and public meetings laws.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 2198 – Insurer Financial Statements

By Banking and Insurance; Gaetz

Tied Bills: None

Iden./Sim Bills: CS/HB 837

Committee(s) of Reference: Banking and Insurance

This bill addresses the issue of insurer financial statements. It allows viatical settlement providers and certain insurance administrators to submit their annual audited financial statements on a fiscal year rather than a calendar year basis.

Insurance administrators are subject to a number of statutory requirements; these requirements include submitting to the Office of Insurance Regulation (OIR) both an annual financial statement and an annual audited financial statement.

Administrators: The bill amends s. 626.89(2), F.S., relating to the administrator's audited financial statement. It allows an administrator to base its audit on a fiscal year and submit its audited financial statement on or before December 31 if it meets certain conditions. First, the administrator must have an established fiscal year of July 1 to June 30, its sole stockholder must be an association representing health care providers, and it must not be an affiliate of an insurer. This amendment would allow the administrator to have one rather than two separate annual audits.

Viatical Settlement Providers: Viatical settlement providers enter into agreements with life insurance policy owners or certificateholders to purchase their policies or become policy beneficiaries. The consideration given in exchange for the policy is an amount less than the death benefit on the policy. Viatical settlement providers must be licensed by OIR in order to engage in business in Florida. Each year, the licensee must submit to OIR a statement that conforms to requirements of the Financial Services Commission (FSC). The statute currently provides that the annual audited financial statement, due on or before March 1, must be prepared as of the last day of the preceding calendar year. Additionally, after December 31, 2007, the annual statement must include an audited financial statement. The audit must be conducted by an independent certified public accountant, and it must be conducted in a manner consistent with generally accepted accounting principles.

The bill amends s. 626.9913(2), F.S., and it addresses the ending day of the year on which a viatical settlement provider's audited financial statement is to be based. Instead of requiring that all audited financial statements be prepared as of the last day of the calendar year (December 31), the bill requires that the annual statement contain an annual audited financial statement that covers a 12-month period and ends on a day that

falls during the last six months of the preceding calendar year. The bill allows licensees who operate on a fiscal year to conduct their financial statement audit on the same basis, rather than on a calendar year basis.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Utilities & Telecommunications

CS/CS/HB 919 – Emergency Communications Systems

By Policy & Budget Council; Jobs & Entrepreneurship Council; Murzin

Tied Bills: CS/CS/HB 921

Iden./Sim Bills: CS/CS/SB 1198

Committee(s) of Reference: Jobs & Entrepreneurship Council; Utilities & Telecommunications; Policy & Budget Council

CS/CS/HB 919 merges the existing statutes that provide for the establishment, administration, and funding of wireline 911 systems (s. 365.171, F.S.) and a wireless enhanced 911 (“E911”) system (s. 365.172, F.S.). The new structure will be administered through the Technology Program located within the Department of Management Services (DMS).

The existing “Wireless 911 Board,” which currently administers only the wireless E911 fee, is modified and expanded to a statewide “E911 Board” (Board) with responsibility to establish and administer a uniform E911 fee charged to local exchange subscribers, wireless subscribers, and users of all other voice communications services, including VoIP. The Board’s membership is expanded from seven to nine members, with the 911 system director designated by the Secretary of Management Services serving as the chair. Four members will be county 911 coordinators, two members will be representatives of local exchange carriers, and two members will be representatives from the wireless telecommunications industry.

Currently, each individual county establishes the monthly 911 fee charged to local exchange (wireline) subscribers. The fee may not exceed 50 cents per month per subscriber. Each local exchange company bills its customers the fee, collects the fee, and remits the fee to the individual counties. The Wireless 911 Board establishes the fee charged to wireless subscribers, currently at 50 cents per month. Each wireless provider bills its customers the fee, collects the fee, and remits the fee directly to the Wireless 911 Board. The charge does not apply to users of other voice communications services, such as Voice-over-Internet-Protocol (VoIP).

The bill caps the uniform E911 fee at the current statutory maximum of 50 cents per month per subscriber. This rate will apply to all voice communications services that provide access to 911 and that are required to be included in the provision of 911 service by the Federal Communications Commission. On or after September 1, 2008, the Board may adjust the fee. However, in counties that currently have 911 fees of less than 50 cents per month, the fee cannot be increased without approval of the Board of County Commissioners.

Prepaid wireless service is exempt from the E911 fee until July 1, 2009. The Board is required to conduct a study of the feasibility of collecting E911 fees on prepaid wireless service. Its findings must be reported to the Governor and Legislature by December 31, 2008. If it determines that it is feasible to collect the E911 fee from prepaid wireless service, it must implement the E911 fee on prepaid wireless service effective January 1, 2009.

Revenues from the fees are allocated to counties to operate their E911 systems, to wireless providers for implementing E911 service, and for grants to counties for E911 system capital costs. Grants may be awarded based on the availability of funds, current system life expectancy, system replacement needs, and compliance with federal requirements. One percent of the fees are allocated to the Board for its administrative costs. While a specific allocation of the funds is contained in statute, the Board has the authority to adjust the allocation.

To reflect the status of the existing wireline 911 systems and wireless E911 systems in the state, obsolete language is eliminated and the state plan requirements for these systems is updated. Further, to reflect changes in technology, the types of equipment and devices that may be funded through the uniform E911 fee are updated.

By September 1, 2007, the Board shall authorize the transfer of up to \$15 million from the wireless fund to counties to cover the time lag between the effective date of this act and the date when the Board begins receiving E911 fees from wireline providers and remitting those fees to counties. The funds are to be repaid into the wireless category of the fund from the moneys actually received from wireline carriers.

Additionally, prepaid calling arrangements, including prepaid cards for wireline and wireless telecommunications service, are not subject to regulations related to gift cards in s. 501.95(2)(a), F.S., as created in CS/CS/CS/SB 1638.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/CS/HB 921 – Wireless Communications Funds

By Policy & Budget Council; Jobs & Entrepreneurship Council; Murzin

Tied Bills: CS/CS/HB 919

Iden./Sim Bills: CS/CS/SB 1200

Committee(s) of Reference: Jobs & Entrepreneurship Council; Utilities & Telecommunications; Policy & Budget Council

CS/CS/HB 921 amends provisions related to the Wireless Emergency Telephone System Trust Fund contained in s. 365.173, F.S. These changes allow for the administration of a uniform E911 fee that would be established through the combination of the current wireline and wireless 911 statutes as addressed in CS/CS/HB 919.

The Wireless Emergency Telephone System Trust Fund is renamed as the Emergency Communications Number E911 System Trust Fund (Fund). E911 fee revenues from both wireless and nonwireless providers (e.g., wireline telephone and VoIP) are collected through the Fund, which is administered by the E911 Board (Board) established in CS/CS/HB 919. Separate categories are established in the Fund for revenues from wireless and nonwireless fees.

The statute contains the distribution of funds from each category; however, the E911 Board has the authority to adjust these allocations. The statute provides for the following distributions:

- For the wireless category: 67 percent to counties, 30 percent to wireless providers for authorized expenses;

- For the nonwireless category: 97 percent to counties;
- For both categories: Two percent for grants to counties, one percent for administrative costs.

Each county is allowed to carry forward up to 20 percent of the funds it receives in a given calendar year for capital outlay, capital improvements, or equipment replacement. However, excess funds paid to the counties must be returned and allocated accordingly, except for the grants to counties for capital expenditures.

Wireless providers must submit all sworn invoices for allowable purchases made within the previous calendar year by March 31 of the ensuing state fiscal year in order to be eligible for recovery of these costs.

The amount in the wireless fund as of December 31, 2006, is to be distributed to wireless providers for the recovery of costs incurred up to and including December 31, 2006. These providers have until December 31, 2007, to provide the Board sworn invoices. Any remaining funds may be redistributed by the Board.

By September 1, 2007, up to \$15 million in existing funds will be made available for distribution by the Board to counties to cover the lag time between the effective date of this act and the date when the Board begins receiving fees from nonwireless providers and remitting those fees to counties.

If the wireless category has funds remaining on December 31 of each year after disbursements have been made during the year immediately prior to December 31, the bill allows the Board to distribute the excess through grants to counties.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, if House Bill 919 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

HOUSE OF REPRESENTATIVES

Policy & Budget Council

**Representative Ray Sansom, Chair
Representative Stan Mayfield, Vice Chair**

2007 SUMMARY OF PASSED LEGISLATION



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CS/SB 56 – Relief/Selva & Alcobar/Miami

By Health Regulation; Margolis

Tied Bills: None

Iden./Sim Bills: HB 915

Committee(s) of Reference: The Special Master on Claim Bills; Health Regulation; Policy & Budget Council

Compensates Katherine Selva for injuries and damages sustained as the result of negligence by the City of Miami's fire-rescue personnel who breached their duty to provide timely and appropriate care that met the standard of care for treating a child having a seizure. As a result of the City's negligence, Katherine is now in a permanent persistent vegetative state. Based on a settlement agreement, the City of Miami has agreed to pay a total of \$2,625,000, \$200,000 of which has already been paid by the City. The bill awards the amount of \$2,425,000, requires that funds be placed in a special needs trust for the exclusive use and benefit of Katherine Selva, and limits attorney's fees, costs, and lobbying fees to \$515,199.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 333 (Ch. 2007-4, L.O.F.) – Homestead Exemption

By Policy & Budget; Lopez-Cantera and others

Tied Bills: None

Iden./Sim Bills: SB 1024

Committee(s) of Reference: Policy & Budget Council

In 2006, a constitutional amendment was adopted that granted the legislature authority to increase the maximum amount of the local-option additional homestead exemption for low income seniors from \$25,000 in property value to \$50,000.

This bill contains statutory language implementing the constitutional amendment. Specifically, the bill raises the maximum amount of the exemption which may be authorized by counties and cities from \$25,000 to \$50,000.

Also, if a city or county has enacted an additional exemption of up to \$25,000 prior to the 2006 constitutional amendment, the bill allows such jurisdictions to raise the amount of the exemption up to \$50,000 beginning with the 2007 tax year, even though the statutory deadline for enacting such an increase (December 1, 2006) has already passed. Other cities and counties may enact the additional exemption to be effective in 2008.

The revenue estimating conference has estimated that the bill would have no impact on state funds and an indeterminate impact on local revenue, depending on how many cities and counties adopt the increased exemption. If every jurisdiction adopted the exemption at \$50,000, the statewide taxable value would be reduced by \$4.8 billion in 2008. This represents \$44.6 million in property tax revenues at current millage rates.

Approved by Governor on April 9, 2007 (Ch. 2007-4, L.O.F.). Effective date of this bill is April 9, 2007 and applies retroactively to January 1, 2007.

CS/SB 1060 – Educational Facilities

By Education Facilities Appropriations; King

Tied Bills: None

Iden./Sim Bills: HB 7099

Committee(s) of Reference: Education Facilities Appropriations;

This bill eliminates the requirement that \$105 million in documentary stamp tax revenues be transferred to the Public Education Capital Outlay and Debt Service Trust fund, pursuant to s. 201.15(d), Florida Statutes. The result of eliminating this transfer will be to increase recurring general revenue by \$105 million. Although this provision eliminates a dedicated funding source for the Classrooms for Kids and the High Growth District Capital Outlay Assistance Growth programs, non-recurring funds may be appropriated by the legislature for these programs as needed in future years.

This bill also speeds up the receipt of gross receipts utility tax revenues by advancing the due date for electric and gas companies from the last day to the 20th day of each month. The advancement of revenues will move Public Education Capital Outlay bonding capacity into earlier years from later years.

The Department of Education's Bureau of Education Facilities requested the legislature to revise the life cycle standards in s. 1013.64, F.S., to provide an appropriate life cycle for modular noncombustible facilities when calculating the allocation of Public Education Capital Outlay funds for maintenance and repair of educational facilities. This bill provides that a 35-year life cycle shall be used for modular noncombustible facilities.

This bill also clarifies that capital outlay full time equivalent (FTE) students used to calculate the allocation of Public Education Capital Outlay funds shall include those students in grades K-12 for whom the district provides the educational facility.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1064 – Facility Enhancement Challenge Grant Programs

By Education Facilities Appropriations; King

Tied Bills: None

Iden./Sim Bills: None

Committee(s) of Reference: Education Facilities Appropriations;

This bill streamlines the administrative process for the Alex P. Courtelis Challenge Grant Program as well as updates the statutes to conform to current administrative practices. This bill requires each university to maintain a separate account for private matching funds which eliminates the need to transfer private match funds from universities to the state's Courtelis Matching Grant Trust Fund. Since the Courtelis Matching Grant Trust Fund will no longer be a repository of private match and has not received state match appropriations in recent years, the bill terminates the Courtelis Matching Grant Trust Fund on July 1, 2009, giving the Department of Education two years to phase out the fund.

The bill also requires unneeded or reverted funds to be returned to the fund from which appropriated for both the Courtelis Matching Grant Program and the Community College

Matching Grant Program.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

SB 2802 – Appropriations Implementing Bill

By Fiscal Policy and Calendar

Tied Bills: SB 2800

Iden./Sim Bills: HB 5003

Committee(s) of Reference: Fiscal Policy and Calendar;

This is the "Implementing Bill" which provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2007-2008. The statutory changes are effective for only one year and either expire on July 1, 2008 or revert to the language as it existed before the changes made by the bill.

Section 19 of Article III of the Florida Constitution states that appropriations acts "shall contain provisions on no other subject" other than making appropriations. This language has been interpreted to defeat proviso to appropriations that have the effect of amending general law. For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the General Appropriations Act (GAA) instead of in the GAA.

Section 1. This section provides legislative intent that the implementing and administering provisions of this act apply to the General Appropriations Act for Fiscal Year 2007-2008.

Section 2. Incorporates by reference the Florida Education Finance Program (FEFP) calculations used by the legislature that are the basis for the calculations pursuant to s. 1011.65, F.S.

Section 3. Amends s. 394.908(3), F.S.; Authorizes the Department of Children and Families (DCF) to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity.

Section 4. Requires that the Department of Children and Family Services shall ensure that all public and private agencies and institutions participating in child welfare cases enter specified information into the Florida Safe Families Network, the department's child-welfare case-management system. The department shall coordinate with the courts and guardian ad litem to provide access to the information, and shall submit a report to the legislature and Governor by February 1, 2008.

Section 5. Creates subsection (17) of s. 253.03, F.S.; Provides that the Division of State Lands of the Department of Environmental Protection shall lease the existing South Florida Evaluation and Treatment Center (SFETC) facility in Miami-Dade County, currently under lease to the Department of Children and Family Services, to Miami-Dade County for \$1 per year for 99 years, to be used by the county for its expanded jail diversion program. The lease of the property shall take place in the 2007-2008 fiscal year, and Miami-Dade County shall sublease the facility to the existing lessee for \$1 per year until the new South Florida Evaluation and Treatment Center is completed.

Section 6. Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1 percent of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

Section 7. Amends s. 216.262, F.S.; Allows the Executive Office of the Governor (EOG) to request additional positions during the 2007-2008 fiscal year for the Department of Corrections (DOC) if the Criminal Justice Estimating Conference projects a certain increase in the inmate population, and the additional positions must be approved by the Legislative Budget Commission.

Section 8. Amends s. 216.292, F.S.; Allows for the transfer of funds within and between the new regional conflict counsel offices and due process costs.

Section 9. Authorizes the Department of Legal Affairs to expend funds in Specific Appropriations 1388 and 1389 on the same programs that were funded by the department pursuant to specific appropriations made in prior years.

Section 10. Amends s. 932.7055, F.S.; Allows, for the 2007-2008 fiscal year only, a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund for moneys advanced from the general fund to the special law enforcement trust fund prior to October 1, 2001.

Section 11. Amends s. 985.686, F.S.; Exempts from the cost of detention services that counties must pay a \$2.5 million appropriation made for additional medical and mental health care at the detention services.

Section 12. Authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category "Special Categories-Risk Management Insurance" of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance.

Section 13. Authorizes the Executive Office of the Governor to transfer funds appropriated in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased Per Statewide Contract" of the 2007-2008 General Appropriations Act between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services.

Sections 14-15. Amends s. 287.17, F.S.; Provides that, as is currently authorized with motor vehicles, the use of state aircraft for commuting is permitted when authorized as a perquisite by the Department of Management Services, required by an employee after normal duty hours to perform duties of the position to which assigned, or authorized for an employee whose home is the official base of operation. Implements Specific

Appropriations 2942 through 2950 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 16-20. Amends ss. 255.249, 255.25, 255.503, F.S.; Requires the Department of Management Services to publish a master lease report. Clarifies the department's role in private lease agreements. Authorizes the use of real estate consultants and tenant brokers on state contract. Prohibits direct payment to real estate consultants and tenant brokers by a lessor. Requires agencies to maximize space in state owned buildings prior to leasing privately owned space.

Section 21. Requires the Department of Environmental Protection to award grants from certain funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs.

Section 22-23. Amends s. 320.08058, F.S.; Redirects Panther License Plate monies from Florida Communities Trust to the Florida Fish and Wildlife Conservation Commission.

Section 24. Amends s. 581.031, F.S.; Directs the Department of Agriculture and Consumer Services to conduct research on citrus pests as recommended by the Citrus Production Research Advisory Program.

Section 25. Amends s. 110.1245, F.S.; Allows agencies to use funds for cash awards to state employees who demonstrate satisfactory service in the agency or to the state, in appreciation and recognition of such service. Awards may not exceed \$100 each and will be allocated from an agency's existing budget. By March 1, 2008, agencies that elect to make cash awards shall report to the Governor and Cabinet, the President of the Senate, and the Speaker of the House of Representatives the dollar value and number of such awards given. If available, any additional information concerning employee satisfaction and feedback should be provided.

Section 26. Amends s. 110.123, F.S.; Provides that for health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature, the state's monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

Section 27. Amends s. 570.20, F.S.; Authorizes funds in the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to be appropriated for certain programs operated by the department which are related to the programs authorized by chapter 570, F.S.

Section 28. Amends s. 320.08058, F.S.; Allows proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games.

Section 29. Amends s. 339.08, F.S.; Authorizes the Department of Transportation to expend funds to pay for administrative expenses incurred by multi-county transportation/expressway authorities when such expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the state highway system.

Section 30. Amends s. 216.292, F.S.; Authorizes the Governor to recommend the initiation of fixed capital outlay projects funded by grants awarded by the Federal Emergency Management Agency for specified FEMA Disaster Declarations.

Section 31. Amends s. 339.135, F.S.; Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$25,400,000 for the purpose of funding economic development transportation projects. Requires the department to provide specified funds for the Seaport Strategic Planning and Financing Task Force, and for certain road and bridge projects. Provides that the transfer of funds for economic development and the requirement to spend certain funds on specific projects shall not reduce, delete, or defer any existing projects funded, as of July 1, 2007, in the Department of Transportation's 5-year work program.

Section 32. Creates the Seaport Strategic Planning and Financing Task Force; provides for the purpose, duties, and membership of the task force; requires the Office of Program Policy Analysis and Government Accountability to staff the task force and provide funding assistance; requires the Department of Transportation to provide assistance to the task force.

Section 33. Amends s. 253.034, F.S.; Authorizes the exchange of real property between the Department of Highway Safety and Motor Vehicles and Palm Beach Gardens.

Section 34. Amends s. 311.22, F.S.; Reduces the match requirements for dredging projects in small counties of less than 300,000 population from 50 percent to 25 percent.

Section 35. Amends s. 252.37, F.S.; Provides an extension until September 1, 2007, of the deadline for local governments to apply for a waiver of local match for disaster funds related to Hurricanes Charley, Frances, Ivan, and Jeanne. The Executive Office of the Governor may approve a waiver of all or a portion of the required local match for public assistance projects for local governments if the Executive Office of the Governor determines that such a local match requirement cannot be provided, or that doing so would impose a documented hardship on the local government.

Section 36. Amends s. 509.302, F.S.; Authorizes revenues from administrative fines to be used to for education programs within the Department of Business and Professional Regulation. Designates up to \$250,000 to be used for a hospitality education program within the department.

Section 37-38. Amends s. 1013.64, F.S.; Specifies that the allocation methodology for funds provided to school districts from the Public Education Capital Outlay and Debt Service Trust Fund as specified in the statute section applies to funds specifically appropriated for distribution pursuant to the subsection, and not to projects specifically appropriated otherwise.

Section 39. Amends s. 373.459, F.S.; Provides that the 50 percent match required of certain water projects receiving state funds shall not apply to the Suwannee River Water Management District, the Northwest Florida Water Management District, or a financially disadvantaged small local government.

Sections 40-44. Authorize the Internal Improvement Trust Fund, Water Protection and Sustainability Program Trust Fund, and the Invasive Plant Trust Fund in the Department of Environmental Protection to be used for water projects.

Section 45. Establishes a Teacher's Down Payment Assistance Pilot Program within the Florida Housing Finance Corporation. Provides eligibility criteria and grant limitations.

Section 46. Amends s. 322.025, F.S.; prohibits advertisements from being included in the Official Florida Driver Handbook distributed by the Department of Highway Safety and Motor Vehicles.

Sections 47-50 and 52. Authorizes the Energy Initiative:

Section 47. Amends s. 570.957, F.S.; authorizes the Farm-to-Fuel Grants Program within the Department of Agriculture and Consumer Services to provide renewable energy matching grants relating to bioenergy projects.

Section 48. Establishes a workgroup convened by the Florida Building Commission to develop a model residential energy ordinance and to develop and implement a public awareness campaign relating to energy efficiency strategies.

Section 49. Authorizes the University of Florida to develop and construct a research and demonstration cellulosic ethanol plant to be operated as a satellite facility of the Institute of Food and Agricultural Sciences.

Sections 50 and 52. Amends s. 377.804, F.S.; amends current law relating to renewable energy matching grants relating to bioenergy projects until July 1, 2008.

Section 51. Authorizes the Department of Financial Services to expend \$846,021 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries and related expenses of the My Florida Safe Home (hurricane mitigation) program. Implements Specific Appropriations 2659, 2661, 2662, and 2665 in the General Appropriations Act for Fiscal Year 2007-2008.

Section 53. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 54. Provides for a permanent change made by another law to any of the same statutes amended by this bill to take precedence over the provision in this bill.

Section 55. Provides a severability clause.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2007.

CS/SB 2968 – Relief/Martin Lee Anderson Estate
By Criminal and Civil Justice Appropriations; Hill and others
Tied Bills: None
Iden./Sim Bills: None

Committee(s) of Reference: The Special Master on Claims Bills; Criminal and Civil Justice Appropriations; Policy & Budget Council

The committee substitute is a claims bill which:

- Appropriates \$4.8 million for the estate of Martin Lee Anderson, providing for payments to Gina Jones and Robert Anderson as compensation for the personal injuries and death of Martin Lee Anderson.
- Provides for a release and waiver from any and all present or future claims or declaratory relief the estate of Martin Lee Anderson or any of his parents, heirs, successors, or assigns may have against the State of Florida arising out of the factual situation in connection or associated with the death of Martin Lee Anderson.
- States that the award is intended to provide the sole compensation for any and all present and future claims arising out of the factual situation in connection or associated with the death of Martin Lee Anderson.
- Provides that not more than \$630,000 may be paid by the estate of Martin Lee Anderson, Gina Jones, or Robert Anderson for attorney's fees, lobbying fees, costs, or other similar expenses.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

HB 7177 – Florida Government Accountability Act

By Policy & Budget Council; Sansom

Tied Bills: None

Iden./Sim Bills: CS/SB 1152

Committee(s) of Reference: None

This bill revises the Government Accountability Act regarding the Agency Sunset Review process. This is a process by which agencies are reviewed by committees of each house and a joint committee on a scheduled cycle for consideration for abolition, modification or termination:

The bill:

- Requires the establishment of a Joint Legislative Sunset Committee for the purpose of overseeing the agency review process and making recommendations to the Legislature. Previously, the establishment of the joint committee was discretionary.
- Delineates the membership and terms of appointment for the joint committee, providing for 10 members, 5 appointed by each presiding officer who each also appoints a co-chair. Appointments are for a period of 2 years or until the next general election which ever is earlier.
- Clarifies the role of the Office of Program Policy Analysis and Government Accountability as the provider of primary research as directed by the committees and joint committee.
- Clarifies that agencies under review that have not been continued, modified or terminated continue to be subject to annual sunset review until the Legislature enacts legislation relating to the agency's continuation, modification, or termination.

- Delineates the functions of the joint committee and the review committees of each chamber. Provides that committees shall conduct reviews of agencies; examining costs, best practices, alternatives resulting in greater efficiency, potential for privatization and evaluation of the costs and consequences of discontinuing agencies. Provides that the committees may consult with the Legislative budget Commission and other relevant committees, hold public hearings, and report its findings on the agencies reviewed to the President of the Senate and Speaker of the House. Permits the committees to propose legislation as deemed necessary.
- Deletes enumerated requirements for committee review consideration and replaces the criteria with the list of report requirements that agencies must submit prior to scheduled review.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HOUSE OF REPRESENTATIVES

Rules & Calendar Council

**Representative David Rivera, Chair
Representative Marsha L. “Marty” Bowen, Vice
Chair**

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CS/SCR 2874 – Auditor General Confirmation/David William Martin
By Rules; Margolis
Tied Bills: None
Iden./Sim Bills: HCR 7209
Committee(s) of Reference: Rules

Article III, Section 2, Florida Constitution, requires the Legislature to “appoint an auditor to serve at [the Legislature’s] pleasure who shall audit public records and perform related duties as prescribed by law or concurrent resolution.” Section 11.42(2), Florida Statutes, provides that the Auditor General shall be appointed to the office to serve at the pleasure of the Legislature, by a majority vote of the members of the Legislative Auditing Committee, subject to confirmation by both houses of the Legislature.

This concurrent resolution confirms the appointment made by the Legislative Auditing Committee of David William Martin to the position of Auditor General.

The effective date of this bill is October 1, 2007.

HB 7003 (Ch. 2007-5. L.O.F.) – Florida Statutes
By Rules & Calendar; Rivera
Tied Bills: None
Iden./Sim Bills: SB 2288
Committee(s) of Reference: House Calendar

The Division of Statutory Revision of the Office of Legislative Services is required, by statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser’s bills.

HB 7003 is a general reviser’s bill to delete expired or obsolete language; correct cross-references and grammatical or typographical errors; remove inconsistencies and redundancies from the statutes; improve the clarity of the statutes and facilitate their correct interpretation; and confirm the restoration of provisions unintentionally omitted from republication in the acts of the Legislature during the amendatory process. Except by report of the Rules & Calendar Council, a reviser’s bill cannot be amended except to delete a bill section.

This bill was signed into law on April 13, 2007, by the Governor, Ch. 2007-5, L.O.F.

HB 7005 (Ch. 2007-6, L.O.F.) – Florida Statutes
By Rules & Calendar Council; Rivera
Tied Bills: None
Iden./Sim Bills: SB 2284
Committee(s) of Reference: House Calendar

The Division of Statutory Revision of the Office of Legislative Services is required, by

statute, to conduct a systematic and continuing study of the Florida Statutes. The purpose of this study is to recommend to the Legislature changes that will remove inconsistencies, redundancies, and unnecessary repetition from the statutes; improve clarity and facilitate correct interpretation; correct grammatical and typographical errors; and delete obsolete, repealed, or superseded provisions. These recommendations are submitted to the Legislature in the form of technical, nonsubstantive reviser's bills.

This bill deletes provisions of the Florida Statutes that have been repealed by a noncurrent (past-year) session of the Legislature where the repeal or expiration date has now occurred, rendering the provision of no effect (an example would be a repeal set for October 1, 2006, by the 2005 Regular Session of the Legislature). Except by report of the Rules & Calendar Council, a reviser's bill cannot be amended except to delete a bill section.

This bill was signed into law on April 13, 2007, by the Governor, Ch. 2007-6, L.O.F.

HB 7007 – Official Florida Statutes
By Rules & Calendar Council; Rivera
Tied Bills: None
Iden./Sim Bills: SB 2286
Committee(s) of Reference: House Calendar

This bill is drafted by the Division of Statutory Revision of the Office of Legislative Services to adopt the Florida Statutes 2007 and designate the portions thereof that are to constitute the official statutory law of the state. The adoption act amends ss. 11.2421, 11.2422, 11.2424, and 11.2425, Florida Statutes, and provides a 1-year window for finding errors and making changes before statutory material becomes the best evidence of the law.

The 2007 adoption act will adopt all statutes material passed through the 2006 Regular Session and printed in the 2007 edition of the Florida Statutes. Legislation affecting statutory law passed in the January 2007 Special Session and the 2007 Regular Session, which will have occurred since the publication of the 2006 edition, is not adopted by the bill.

This bill was signed into law on April 13, 2007, by the Governor, Ch. 2007-7, L.O.F..

HCR 7011 – Joint Rules of the Florida Legislature
By Rules & Calendar Council; Rivera
Tied Bills: None
Iden./Sim Bills: CS/SCR 2396
Committee(s) of Reference: House Calendar

Joint Rules constitute mutual agreement of the House and Senate to jointly regulate certain legislative activities. Also at the Organization Session on November 21, 2006, the House of Representatives agreed to be governed temporarily by Joint Rules One through Seven, in force during the previous biennium, as revised SCR 1856 (2006). The adoption of this HCR 7011 by the House and Senate supplanted that temporary ratification.

HCR 7011 readopted Joint Rules Two through Six, without change from the previous biennium, and revised and readopted Joint Rules One and Seven. The concurrent resolutions also deleted, or abandoned, Joint Rule Eight which previously asserted the continuing existence of Joint Rules in future Legislative biennia. The House refused to agree to be bound by such rule.

Joint Rule One (JR 1)—Lobbyist Registration and Compensation Reporting, and Joint Rule Seven (JR 7)—Joint Legislative Budget Commission (“Commission”), were significantly revised by this resolution.

The revisions to JR 1 addressed implement statutory directives to establish an electronic filing system for lobbying firm compensation reporting. The new rule also incorporates several technical improvements to other provisions in JR 1, in part, to reflect updated technology. The HCR adds a definition for “unusual circumstances,” providing guidance to the administration of Joint Rule 1.5 sections (5), (6) and (7)(b). The bill amends the definition of “lobbying firm” to include corporate affiliates, and removes the requirement of the Federal Employer Identification Number (FEIN) and contact name for lobbying firm registration. The revision provides a table assigning amounts to use for compensation reported in categories when aggregating compensation.

This HCR revises JR 7 to remove zero-based budgeting provision conforming the rule to current budget practices. It also removes unnecessary provisions relating to the organizational structure of the Commission that were included in a constitutional amendment governing the Commission adopted by voters in November 2006. The new rule also uses the term “chairperson” instead of “chairman,” consistent with language contained in the constitutional amendment.

The revised JR 1 preserves all obligations existing under the previous rule as of the date of the last general election and retroactively enforces all provisions continued in the revised rule. The revised JR 7 replaces all prior joint rules governing the Commission and implements constitutional provisions relating to the Commission existing as of the date of the rule’s adoption.

The Joint Rules became effective upon the Senate's communication of its adoption of HCR 7011, which occurred on March 28, 2007.

HOUSE OF REPRESENTATIVES

Safety & Security Council

Representative Charles S. Dean, Chair
Representative Dennis A. Ross, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Safety & Security Council

Representative Charles S. Dean, Chair
Representative Dennis A. Ross, Vice Chair

Committee on Constitution & Civil Law

Representative Marcelo Llorente, Chair
Representative Dorothy Hukill, Vice Chair

Committee on Courts

Representative Mark Mahon, Chair
Representative James C. Frishe, Vice Chair

Committee on Homeland Security & Public Safety

Representative Sandra "Sandy" Adams, Chair
Representative William D. Snyder, Vice Chair

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Safety & Security Council

CS/SB 72 – Relief/Jennifer Graham/Palm Bch. Co. Sheriff's Office

By Criminal Justice; Aronberg

Tied Bills: None

Iden./Sim Bills: CS/HB 611

Committee(s) of Reference: The Special Master on Claim Bills; Criminal Justice

Compensates Jennifer Graham for injuries and damages sustained as the result of negligence by a deputy sheriff of the Palm Beach County Sheriff's Office when she was struck by a vehicle driven by a deputy sheriff. Based on a settlement agreement, the Palm Beach Sheriff's Office has agreed to pay a total of \$950,000, \$100,000 of which has already been paid by the Sheriff's Office. The bill awards the amount of \$850,000 to be paid over three years. The bill requires Ms. Graham to purchase structured annuities and educational funds for her three minor children. Payment for attorney's fees and costs incurred by the claimant's attorneys is limited to \$128,988. Payment for the professional services and costs of lobbyists advocating for passage of the claim bill is limited to \$8,500.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1088 – Due Process

By Criminal and Civil Justice Appropriations; Crist

Tied Bills: None

Iden./Sim Bills: CS/HB 7083

Committee(s) of Reference: Criminal and Civil Justice Appropriations

In 2004, the state completed the shift from county financial responsibility to state responsibility for many court related costs. One cost shifted to the state was for what is known as "due process costs." Due process costs are the cost of attorneys and other related legal services that must be provided at government expense to indigent persons involved in certain types of cases because of constitutional or statutory requirements. These services are provided through private attorneys and private service providers for certain civil cases and when the Public Defender has an ethical conflict. Reimbursement rates are set by local Indigent Services Committees. Current law requires that the rates not exceed a level whereby total expenditures would exceed the appropriation for due process costs in the General Appropriations Act (GAA), but such committees have authorized rates that have resulted in obligations exceeding the GAA by roughly \$25 million for FY 2006-2007.

The bill revises the process whereby indigent persons and certain other eligible persons are provided criminal and civil representation at state expense for certain civil cases and when the Public Defender has an ethical conflict. The bill creates five offices of criminal conflict and civil regional counsel to provide this representation. When the regional counsels have a conflict of interest, the case will be assigned to a private attorney. The organizational process will begin upon the effective date of this bill, and the new offices will start representing indigent persons no sooner than October 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law, except as otherwise provided.

HB 1155 – Use or Possession of Drug Paraphernalia

By Glorioso and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 518

Committee(s) of Reference: Safety & Security Council; Policy & Budget Council (W/D)

This bill requires the Agency for Health Care Administration to promote the process and advantages of electronic prescribing to health care practitioners, health care facilities, and pharmacies. Specifically, the agency is required to work with private-sector initiatives and stakeholders to create a clearinghouse of information on electronic prescribing for healthcare practitioners, healthcare facilities, and pharmacies. The agency must also provide information on its website regarding the process and advantages of electronic prescribing; the availability of electronic prescribing software; and state and federal electronic prescribing incentive programs. The agency is required to report annually to the Governor and Legislature on electronic prescribing implementation and usage by health care practitioners, health care facilities, and pharmacies.

The bill also makes numerous changes to Florida law relating to dispensing of controlled substances. These changes include:

- For Schedule II drugs, a pharmacist may, in an emergency situation only, dispense a 72-hour supply of the drug upon an oral prescription.
- For Schedule III and IV drugs, a pharmacist may only dispense the drugs upon an oral prescription if the pharmacist reduces it to writing or records the prescription electronically, if allowed by federal law.
- For Schedule II, III, and IV drugs, written prescriptions must include both a written and numerical notation of the quantity and a notation of the date, with the abbreviated month, written on the face of the prescription.
- For Schedule II, III, and IV drugs, the pharmacist, prior to dispensing the drug, must obtain satisfactory patient information and determine that the order is valid, in the exercise of his or her professional judgment.

The bill requires the Department of Health to develop a counterfeit-resistant prescription blank to be used voluntarily by prescribing practitioners. It will be a felony of the third degree to intentionally possess the counterfeit-resistant prescription blank for unlawful purposes.

Finally, the bill requires a law enforcement agency to, in the case of a person who has died of an apparent drug overdose, prepare a report identifying each Schedule II, III, or IV controlled substance that is found on or near the deceased, as well as the prescriber of the drug, if known. The bill also requires a medical examiner, in the medical examiner's report, to include information identifying each Schedule II, III, or IV controlled substance found on or near the deceased when the deceased has died of an apparent drug overdose.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007, except as otherwise provided.

SB 1312 (Ch. 2007-10, L.O.F.) – Operating Trust Fund/DLA

By Crist

Tied Bills: None

Iden./Sim Bills: HB 7017

Committee(s) of Reference: Criminal and Civil Justice Appropriations

The bill creates the Operating Trust Fund within the Department of Legal Affairs effective July 1, 2008. The fund is established as a depository for funds to be used for supporting the programs and other appropriate purposes of the department.

Section 215.32(b), F. S., governs the segregation of trust funds. To the extent possible, each agency shall use certain trust funds as a depository for funds to be used for day-to-day operations for uniform specified purposes.

Funds that will be credited to the Operating Trust Fund include fees, revenues, and transfers for the purpose of supporting operations of the Medicaid Fraud Control Unit, the Office of Statewide Prosecution and such other purposes as directed by the Legislature. Funds from the Operating Trust Fund shall be expended only pursuant to legislative appropriations.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2006-10, L.O.F. The effective date of this bill is July 1, 2008.

SB 1314 (Ch. 2007-11, L.O.F.) – Federal Grants Trust Fund/DLA

By Crist

Tied Bills: None

Iden./Sim Bills: HB 7019

Committee(s) of Reference: Criminal and Civil Justice Appropriations

The bill creates the Federal Grants Trust Fund within the Department of Legal Affairs effective July 1, 2008. The fund is established as a depository for federal funds to be used for allowable grant activities. Funds that will be credited to the Federal Grants Trust Fund will consist of grants and other funding from the federal government.

Section 215.32(b), F. S., governs the segregation of trust funds. To the extent possible, each agency shall use certain trust funds as a depository for funds to be used for day-to-day operations for uniform specified purposes.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2006-11, L.O.F. The effective date of this bill is July 1, 2008.

SB 1316 (Ch. 2007-12, L.O.F.) – Federal Grants Trust Fund/DJJ

By Crist

Tied Bills: None

Iden./Sim Bills: HB 7015

Committee(s) of Reference: Criminal and Civil Justice Appropriations

The bill creates the Federal Grants Trust Fund within the Department of Juvenile Justice effective July 1, 2008 to be used as a depository for funds to be used for day-to-day operations for uniform specified purposes. The fund is established as a depository for federal funds to be used for allowable grant activities. Funds that will be credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government.

Section 215.32(b), F. S., governs the segregation of trust funds. To the extent possible, each agency shall use certain trust funds as a depository for funds to be used for day-to-day operations for uniform specified purposes.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2006-12, L.O.F. The effective date of this bill is July 1, 2008.

CS/HB 1441 – Female Genital Mutilation
By Safety & Security Council; Thompson, G.
Tied Bills: None
Iden./Sim Bills: CS/SB 894
Committee(s) of Reference: Safety & Security Council

HB 1441 defines “female genital mutilation” (FGM) as “the circumcising, excising, or infibulating, in whole or in part, the labia majora, labia minora, or clitoris of a female person,” and provides that:

- A person who knowingly commits, or attempts to commit, FGM upon a female person younger than 18 years of age commits a first degree felony.
- A person who knowingly removes, or causes or permits the removal of, a female person younger than 18 years of age from this state for purposes of committing FGM commits a second degree felony.
- A person who is a parent, a guardian, or in a position of familial or custodial authority to a female person younger than 18 years of age and who knowingly consents to or permits the FGM of that female person commits a third degree felony.

The bill specifies that consent of a female person younger than 18 or the consent of a parent, guardian, or person who is in a position of familial or custodial authority to a female person younger than 18 is not a defense to the offense of FGM.

The bill exempts procedures performed by or under the direction of a physician, an osteopathic physician, a registered nurse, a practical nurse, an advanced registered nurse practitioner, a midwife, or a physician assistant when necessary to preserve the physical health of a female person as well as autopsies and limited dissections conducted pursuant to chapter 406, F.S.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2007.

HB 7031 – Community Associations
By Safety & Security Council; Mahon and others
Tied Bills: None
Iden./Sim Bills: CS/CS/SB 396

Committee(s) of Reference: House Calendar

This bill increases the options of condominium, cooperative, and homeowners' associations, with regard to insuring association property and participating in self-insurance programs. Specifically, this bill amends laws relating to insurance and other issues for community associations to:

- Provide that the language relating to windstorm and self insurance (s. 718.111(11)(a), F.S.) that was added to the Condominium Act in HB 1-A during the 2007 special session on insurance applies to all residential condominiums in the state, regardless of the date of its declaration of condominium;
- Provide implementing provisions for condominium associations, cooperative associations, and homeowners' associations to participate in self-insurance funds authorized by the legislation passed in the 2007 special session;
- Provide authorizing legislation for the homeowners' associations and cooperative associations to participate in the "pooled" insurance option for obtaining windstorm insurance coverage;
- Establish new budget disclosure requirements for condominium and cooperative prospectuses relating to budget changes due to increases in insurance premiums;
- Preserve the developer assessment guarantees in the prospectuses and provide that unforeseen increases are not material changes to the offering circular; and
- Require new budgets to be given to purchasers at closing.

This bill also amends or creates provisions in Part VI of the Condominium Act relating to condominium conversions to:

- Expand the disclosure requirements for the improvements located on the property;
- Provide developers with additional requirements for warranties and reserve accounts;
- Require updated inspection reports when components are renovated or repaired; and
- Provide that the condominium owner and the association are third-party beneficiaries to the engineer and/or architect's report.

This bill provides that commercial self-insurance funds, including those for condominium associations, must purchase Hurricane Catastrophe Fund coverage, the same as an authorized insurer. This bill amends the definition of a this type of commercial self-insurance fund to require that they not prevent, impede, or restrict any applicant or fund participant from maintaining or selecting an agent of choice.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

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Committee on Constitution & Civil Law

SJR 166 – Property Rights/Ineligible Aliens

By Geller and others

Tied Bills: None

Iden./Sim Bills: HJR 677

Committee(s) of Reference: Judiciary; Military Affairs and Domestic Security; Rules (W/D)

The Florida Constitution provides that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. This “alien land law” provision was adopted in 1926 to bar certain nationalities of immigrants from acquiring land in Florida.

The joint resolution proposes an amendment to the Florida Constitution to remove the alien land law which authorizes the Legislature to regulate or prohibit the ownership, inheritance, disposition, and possession of real property by aliens ineligible for citizenship.

The joint resolution does not contain a specific effective date. Therefore, if adopted by the voters in November 2008 general election, it would take effect January 8, 2009.

CS/CS/SB 252 – Business Filings

By Judiciary; Commerce; Aronberg and others

Tied Bills: None

Iden./Sim Bills: CS/HB 151; includes CS/SB 2148 and CS/HB 243

Committee(s) of Reference: Commerce; Judiciary; Transportation and Economic Development Appropriations

The Uniform Commercial Code governs commercial transactions. Article 1 of the Uniform Commercial Code (“UCC”) provides definitions and general provisions that apply as default rules covering transactions and matters covered under different articles of the UCC. The bill:

- Clarifies the scope of Article 1;
- Defines the application of the federal Electronic Signatures in Global National Commerce Act;
- Deletes the statute of frauds requirement aimed at transactions beyond the coverage of the UCC;
- Revises the definition of “good faith;”
- Provides that evidence of “course of performance” may be used to interpret a contract along with “course of dealing” and “usage of trade;” and
- Eliminates authorization for filing fees for electronic filings.

The bill additionally requires limited liability companies (LLC) registered with the Department of State (DOS) to be distinguishable on the databases maintained by the Division of Corporations within the DOS. The bill revises requirements regarding the name of LLC’s and will no longer permit DOS to record duplicate names.

Subject to the Governor's veto powers, the effective date of this bill is January 1, 2008.

CS/HB 311 – Probate

By Safety & Security Council; Hukill and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1936

Committee(s) of Reference: Safety & Security Council; Constitution & Civil Law

Probate is the legal process by which a will is proved to be valid or invalid, and generally provides for payment of the bills of the deceased, as well as distribution of the deceased's property to heirs. Current law pertaining to wills and estates is provided in the Florida Probate Code found in Chapters 731-735 of the Florida Statutes. The bill modifies several sections of the Probate Code to:

- conform the elective share statute to the Federal Tax Code;
- provide that persons filing a caveat will be properly noticed;
- provide for the enforcement of arbitration clauses in wills or trusts;
- void exculpatory clauses under specific circumstances;
- revise multiple statutes that use the term "descendants" to remove use of the term "lineal;" and
- make a conforming change to the time requirements under the foreign personal representative statute.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 400 – Landlord/Possession of Dwelling Unit

By Judiciary; Margolis

Tied Bills: None

Iden./Sim Bills: CS/HB 647

Committee(s) of Reference: Judiciary

The bill amends s. 83.59(3), F.S., to provide that, under certain circumstances, a landlord may recover possession of a residential dwelling unit 60 days after the death of the last remaining tenant. The landlord may do so if:

- the last remaining tenant is deceased,
- personal property remains on the premises,
- rent is unpaid,
- at least 60 days have elapsed since the death of the tenant,
- the landlord has not been notified in writing of the existence of a probate estate or of the name and address of a personal representative of the estate, and
- the dwelling unit is not occupied by a tenant participating in a specified federally administered or regulated housing program.

The bill amends s. 83.67, F.S., to provide that it is not a prohibited practice for a landlord to remove doors, locks, etc, and to remove the tenant's personal property from the dwelling unit if such action is taken under the new provisions created by the bill upon the death of the last remaining tenant.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/SB 624 – Uniform Premarital Agreement Act
By Children, Families, and Elder Affairs; Judiciary; Aronberg
Tied Bills: None
Iden./Sim Bills: CS/HB 577
Committee(s) of Reference: Judiciary; Children, Families, and Elder Affairs

The bill codifies the application of premarital agreements. Specific terms are defined, requirements for enforceability created, and requirements for modification are addressed. The proposed bill adopts the Uniform Premarital agreement adopted by the National Conference of Commissioners on Uniform State Laws.

The bill codifies existing common law related to prenuptial agreements. Specifically, the bill adds the following new provisions by creating s. 61.079, F.S.:

- The definition of premarital agreements is defined and additional terms are created around the premise that a prenuptial agreement is to be an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.
- Enumerates the terms under which the parties to a premarital agreement may contract.
- Provides for the terms of amendment, revocation or abandonment of a premarital agreement.
- Provides for the terms of enforcement of a premarital agreement.
- Distinguishes affected parties requiring public assistance after dissolution of marriage.
- Provides for the enforceability of premarital agreements of marriages that are deemed void.
- Provides that the Act applies only to proceedings under the Florida Family Law Rules of Procedure.

The bill's provisions apply to any premarital agreement executed on or after October 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/HB 743 – Trusts
By Safety & Security Council; Hukill and others
Tied Bills: None
Iden./Sim Bills: CS/CS/SB 2218; includes part of CS/HB 1183; SB 2606
Committee(s) of Reference: Safety & Security Council; Constitution & Civil Law

The Trust Code is that portion of the Florida Statutes which pertains to the administration of trusts. Current law pertaining to the administration of trusts is found in ch. 737, F.S. However, ch. 737, F.S., will stand repealed on July 1, 2007 as a result of the 2006 Legislature adopting a new Trust Code that will become effective July 1, 2007. The land trust is a modified form of a conventional trust agreement that is limited to an

arrangement where the trustee holds title to the real property; however, all the active managerial and administrative powers are reserved to the beneficiaries. The bill modifies several sections of the new Trust Code and the Florida Land Trust Act to:

- expand the ability of a bank or trust company, or an affiliate of a bank or trust company, that owns or controls investment instruments, when acting as a fiduciary, to invest or reinvest fiduciary funds in such investment instruments;
- create a new statute to govern a trustee's power to invade the principal of a trust;
- provide that specified transactions are not voidable by the beneficiary in the case of conflict between the trustee's fiduciary and personal interests;
- revise provisions relating to affiliated services offered by a bank or trust company acting as a trustee;
- revise provisions relating to the specific powers of a trustee;
- revise effective dates relating to limitations on actions against a trustee;
- provide that an exculpatory term drafted or caused to be drafted by a trustee is not considered invalid if the exculpatory term was adequately communicated to the independent attorney of the testator;
- amend the definition of "land trust" to provide that the Florida Land Trust Act applies only to trusts in which ownership is vested in the trustee and that the recorded land trust instrument does not create an entity;
- provide that the trustee of a land trust is vested with both legal and equitable title and full rights of ownership;
- provide that the Florida Land Trust Act applies whether or not the recorded land trust instrument names any trust beneficiaries;
- provide that the liability provisions for trustees in s. 736.08125, F.S., apply to trustees of land trusts;
- provide that the provisions relating to representation in the administration of or in judicial proceedings involving estates of decedents do not apply to the administration of trusts;
- provide that the provisions relating to the rights of a beneficiary's creditor or assignee do not override the provisions relating to discretionary trusts in s. 736.0504, F.S.;
- provide that the grandfathering provision relating to a spendthrift provision in a trust applies to any trust instrument executed prior to July 1, 2007, even if that trust does not yet exist prior to that date;
- provide that the exceptions to a spendthrift provision in a trust do not override the provisions relating to discretionary trusts in s. 736.0504, F.S.;
- provide that the protections given to the discretionary interests of a trustee outrank the interests of a creditor;
- rewrite the phrase "interest from income" to "income interest;" and
- correct statutory cross-references.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1277 – Residential Tenancies

By Safety & Security Council; Patterson and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2730; SB 1596

Committee(s) of Reference: Safety & Security Council; Constitution & Civil Law

The bill amends the Florida Residential Landlord and Tenant Act to permit residential lease agreements to impose an early termination fee and/or liquidated damages on tenants who terminate their leases before the expiration of a lease. The total liquidated damages and any early termination fee cannot exceed two months' rent and is in addition to any unpaid rent, other charges that may be due under the rental agreement, and any rental concessions that the tenant received. Under existing law, a landlord's remedy for a tenant's early termination is the landlord's actual damages.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/SB 1770 – Technology to Supplement Visitation

By Judiciary; Lynn

Tied Bills: None

Iden./Sim Bills: HB 863

Committee(s) of Reference: Children, Families, and Elder Affairs; Judiciary

The bill creates new language in s. 61.046, and s. 61.13002, F.S., relating to the use of technology to supplement visitation. The bill defines the term "electronic communication" to mean contact, other than face-to-face contact, facilitated by tools such as telephones, electronic mail (e-mail), web cams, video-conferencing equipment and software or other wired or wireless technologies, or other means of communication to supplement face-to-face contact between a parent and that parent's minor child.

The bill also:

- Provides that electronic communication may be used only to supplement a parent's face-to-face time contact with his or her minor child and shall not be used as a replacement or substitute for such time.
- Requires the court to evaluate certain factors prior to granting parents electronic communication and prohibits the consideration of electronic communication as a factor in a contested relocation of a child.
- Provides for the allocation of cost for using electronic communication, while also prohibiting the consideration of electronic communication as a factor in determining child support.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/SB 2118 – Debts & Debtors

By Judiciary; Joyner

Tied Bills: None

Iden./Sim Bills: CS/HB 1445

Committee(s) of Reference: Judiciary; Commerce

The bill amends provisions of Florida Statutes relating to debtors and creditors. The bill amends s. 222.25, F.S., to add an additional exemption from attachment, garnishment, or other legal process to include personal property of a debtor of a value up to \$4,000,

provided that the debtor does not receive the homestead exemption under the State Constitution.

The bill amends existing law relating to legal notice concerning foreclosure proceedings to state that such notice may be made in a newspaper that is published a minimum of 5 days a week, exclusive of legal holidays.

The bill amends statutes relating to the general assignment of assets for the benefit of creditors to:

- amend definitions;
- revise duties of the assignor and assignee;
- provide a form for verification of assignment of assets;
- revise provisions relating to proceedings against an assignee;
- revise provisions relating to the powers of the court;
- require notice be given to all consensual lienholders and counsel;
- limit certain claims;
- clarify that creditors of assignors may file objections to a claim;
- require the assignee to create a register of all creditors that have filed claims against the assignor's estate and to make the register available upon request to any creditor or party of interest;
- provide that the assignee and any creditor or party in interest shall have standing to challenge the validity, extent, or priority of any claim filed by a creditor;
- provide deadlines to file a claim for an unsecured deficiency, and eliminate an entitlement to a share in the distribution if the deficiency claim is untimely filed; and
- revise provisions relating to the priority of claims.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

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Committee on Courts

HB 9 – Trespass

By Mahon and others

Tied Bills: None

Iden./Sim Bills: SB 320

Committee(s) of Reference: Safety & Security Council; Courts

Trespass is the unauthorized entry onto the property of another. In prosecuting trespass, the state must prove that the offender knew, or should have known, that entry onto the property is unauthorized. In regards to open lands (as opposed to buildings), a person knows not to enter the lands if told not to enter or if “no trespassing” signs are posted. A person should know not to enter certain property where there is a dwelling or where the property is cultivated or fenced.

This bill provides that certain railroad property does not have to meet the posting requirements as defined in current law. A person should know that railroad property is private property in the same way that they know or should know that other cultivated, developed, or fenced property is private property. Therefore, a person may be prosecuted for trespass onto certain railroad property even if the property does not have “no trespassing” signs posted.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2007.

CS/SB 174 – Practice of Law

By Judiciary; Geller

Tied Bills: None

Iden./Sim Bills: HB 179

Committee(s) of Reference: Judiciary; Criminal Justice

Current law prohibits the elected sheriff or clerk of the court from practicing law. The same law also prohibits deputy sheriffs and deputy clerks from practicing law. This bill provides that part-time deputy sheriffs and part-time deputy clerks are not prohibited from practicing law. It is anticipated that the primary effect of the bill will be to allow practicing lawyers to join reserve units of their local sheriff.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

CS/HB 229 – Guardian Ad Litem Program

By Safety & Security Council; Mahon and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1612

Committee(s) of Reference: Safety & Security Council; Courts; Policy & Budget Council

The bill authorizes the Statewide Guardian Ad Litem Office to create a direct support organization (DSO). The DSO may conduct programs and activities, raise funds, and make expenditures that directly or indirectly benefit the Statewide Guardian Ad Litem Office.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 314 – Condominiums

By Judiciary; Geller and others

Tied Bills: None

Iden./Sim Bills: CS/HB 407

Committee(s) of Reference: Regulated Industries; Judiciary

The Condominium Act governs condominium associations, and provides the methods and procedures for the termination of a condominium. This bill makes the following revisions to the laws relating to condominium termination:

- Provides legislative findings related to condominium terminations;
- Provides for approval of termination because of economic waste or impossibility by a 2/3 vote of the owners and lienholders unless otherwise provided in the condominium declaration;
- Provides for approval of termination in all other situations where at least 80% of the voting interests vote in favor of termination and not more than 10% of the voting interest vote against termination;
- Provides for a written plan of termination with written notice provided to all unit owners prior to being voted upon;
- Provides for quarterly reports prepared by the receiver, as well as procedures to replace the receiver;
- Provides alternative methods for determining the allocation of proceeds from the sale of condominium property;
- Sets forth procedures for management of the association during termination and for distribution of the proceeds; and
- Provides for a right to contest the plan of termination and court review of the plan.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 405 – Vacation and Timeshare Plans

By Safety & Security Council; Mealor and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 1374

Committee(s) of Reference: Safety & Security Council; Courts

The Florida Vacation Plan and Timesharing Act establishes requirements for the creation, sale, exchange, promotion, and operation of timeshare plans, including requirements for full and fair disclosure to purchasers and prospective purchasers. Authority to implement these requirements is with the Division of Florida Land Sales, Condominiums, and Mobile Homes within the Department of Business and Professional Regulation. This bill makes the following changes to the Florida Vacation Plan and Timesharing Act:

- Amends the formula for funding reserve accounts for capital expenditures and deferred maintenance relating to condominium conversions;

- Amends the purchaser to accommodation ratio from a "one-to-one purchaser to accommodation ratio" to a "one-to-one use right to use night requirement ratio";
- Allows a seller to offer an out-of-state timeshare interest in a timeshare plan without filing a public offering statement under certain circumstances;
- Increases security and protection of personal information of timeshare owners;
- Deletes the provisions requiring a public offering statement to include a description of developer financing;
- Creates recordkeeping requirements for resale service providers and lead dealers;
- Amends the insurance requirements of the managing entity and deletes the requirement that the amount of insurance coverage be equal to the replacement cost of the accommodations and facilities; and
- Provides that the Governor may appoint commissioners of deeds to take acknowledgments, proofs of executions, or oaths in international waters.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 448 – County Funding/Court Personnel

By Criminal and Civil Justice Appropriations; Judiciary; Fasano and others

Tied Bills: None

Iden./Sim Bills: CS/HB 221

Committee(s) of Reference: Judiciary; Community Affairs; Criminal and Civil Justice Appropriations

Counties are authorized to provide additional court-related employees for the benefit of the local courts. The employees are paid from county funds, but are hired, supervised, and terminated by or on the authority of the chief judge of the circuit.

This bill clarifies the legal relationships between the state and a county that elects to provide such employees. Worker's compensation coverage is provided by the county. Such employees may be aggregated with other county employees for the purpose of providing employee benefits. The state, as supervisor of such employees, is responsible for complying with employment laws and must indemnify the county from any liability under such employment laws to the extent such liability is the result of the acts or omissions of the judicial circuit or its agents or employees.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 902 – Community Associations

By Judiciary; Regulated Industries; Jones

Tied Bills: None

Iden./Sim Bills: CS/HB 433

Committee(s) of Reference: Regulated Industries; Community Affairs; Judiciary

This bill amends laws related to homeowners' associations to provide that: an association that is not currently subject to current homeowners' association law may use the procedures in the mandatory homeowners' association law to revive covenants that have lapsed under the Marketable Record Title Act; and eliminates mandatory mediation of disputes between homeowners' associations and members conducted by the Department of Business of Professional Regulation in favor of mandatory mediation of

such disputes by private mediators. This bill also increases the regulation of homeowners' associations and establishes conformity in the laws regulating homeowners' associations and condominium associations by revising the requirements for the inspection and copying of records; revising what must be included in the associations' annual budget, and providing that the annual budget may include reserve accounts and how they are to be funded; revising the financial reporting requirements; clarifying rights and privileges of parcel owners regarding homeowners' association decisions about structures and parcel improvements; and providing for guarantees of common expenses when specifically included in the declaration.

This bill amends laws related to condominium associations to provide that: in certain situations condominium associations will not be required to receive joinder or consent from mortgagees before amending their governing documents; leaseholds and other possessory and use interests can only be acquired by means provided in the declaration of condominium or by approval of 3/4 of the voting interest instead of 2/3 of the voting interest provided in current law; and that a local government may not adopt a law that prohibits condominium unit owners from accessing a public beach access that is contiguous to the condominium property, except where necessary to protect the public health, safety, or natural resources.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007, except as otherwise provided.

SB 978 – Court-ordered Nonbinding Arbitration

By Aronberg

Tied Bills: None

Iden./Sim Bills: CS/HB 1351

Committee(s) of Reference: Judiciary; Criminal and Civil Justice Appropriations (W/D)

The bill revises procedures for court-ordered non-binding arbitration and the threshold for the imposition of liability for an opponent's attorney's fees and costs after the rejection of an arbitrator's award and a trial of an arbitrated matter. Specifically, the bill provides that:

- Arbitration must be informal;
- The presentation of evidence must be kept to a minimum;
- Matters must be presented primarily through counsel;
- Litigants must show good cause for the issuance of subpoenas; and
- A court may impose attorney's fees and costs on a party who, within 30 days after entry of an arbitration judgment, requests a trial if the judgment at trial differs from the arbitration award by more than 25 percent.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/CS/SB 1030 – Court Costs

By Judiciary; Criminal Justice; Argenziano and others

Tied Bills: None

Iden./Sim Bills: CS/HB 741

Committee(s) of Reference: Criminal Justice; Judiciary; Finance and Tax; Criminal and Civil Justice Appropriations (W/D)

Current law requires the Clerk of Court to collect a \$3 court cost for traffic infractions, boating infractions, misdemeanors and felonies. The cost is also assessed on every bond estreature or forfeited bail bond. The majority of the monies collected from the assessment go to the Criminal Justice Standards and Training Trust Fund and are used for law enforcement training purposes. This bill increases the court cost by \$1.

This bill also requires a person seeking sealing or expunction of his or her criminal history records to pay all outstanding fines and court costs, although this may be waived by the court.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1185 – Trespass**By Safety & Security Council; Aubuchon****Tied Bills: None****Iden./Sim Bills: CS/SB 2180****Committee(s) of Reference: Safety & Security Council; Courts**

Trespass onto property that is a construction site is a third degree felony. In order for a person to be guilty of trespassing on a construction site, the property owner must follow the posting requirements provided in current law, regardless of the size of the construction site. Current law requires the owner of a construction site that is less than one acre to post at least 4 "no trespassing" signs and another sign designating the property as a construction site.

This bill provides that in order for a person to be found guilty of trespassing on a construction site of one acre or less in area, the property owner need only post one sign designating the property as a construction site and indicating that trespassing on the property is a felony. This bill also provides size requirements for the lettering on the sign, and that the sign must be placed at the location on the property where the permits for construction are located. Property owners will no longer be required to post additional "no trespassing" signs where the property is a construction site one acre or less in area. Construction sites that are greater than one acre in area must still follow current sign requirements.

This bill also provides that a homeowners association that has been granted the authority by a parcel owner can order a person to leave the parcel owner's property in the case of a threat to public safety or welfare.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 1285 – Construction Liens**By Safety & Security Council; Altman****Tied Bills: None****Iden./Sim Bills: CS/SB 2768****Committee(s) of Reference: Safety & Security Council; Courts**

A construction lien is a lien created by statute for the purpose of securing priority of payment for the price or value of work performed and materials furnished in construction or repair of improvements to real property, and which attaches to the land as well as the improvements. The construction lien law has been amended multiple times, and this bill makes a number of other changes to conform to the prior revisions. Significant changes include:

- Specifying that the performance and payment bond provisions in current law apply in situations where a person enters into a construction contract with a private entity for the completion of construction on a public building or public works;
- Providing a definition for "final furnishing" in order to specify when a claim of lien may be recorded;
- Amending the definition of "furnish materials" by revising how the "period of actual use" of rental equipment is determined for calculating lien amounts;
- Emphasizing that statements of accounts be under oath;
- Providing that the mandatory provisions required to be in direct contracts only apply when the contract between an owner and a contractor is greater than \$2,500;
- Providing certain situations where a notice of commencement can be amended; and
- Revising the notice of commencement and building permit application forms to include consumer disclosures and warnings for failing to properly follow the recording and posting requirements in current law.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1844 – Homeowner's Associations

By Regulated Industries; Ring

Tied Bills: None

Iden./Sim Bills: CS/HB 1465

Committee(s) of Reference: Regulated Industries

Homeowners' associations have the power to make and collect assessments. These assessments allow the association to carry out its responsibility for the management, operation, and management of the association property and common elements.

This bill amends the laws related to homeowners' associations to provide that a homeowners' association must provide a parcel owner with written notice before filing a claim of lien against a parcel owner for unpaid assessments. The notice must state that the parcel owner has 45 days to pay all assessments and attorney's fees owed to the homeowners' association. The homeowners' association cannot bring an action in its name to foreclose a lien for unpaid assessments until after the 45-day period has expired.

This bill also provides that after service of a summons by a homeowners' association to foreclose a lien, the parcel owner may serve and file with the court a qualifying offer to pay all amounts under the lien plus interest. The filing of the qualifying offer stays the foreclosure proceedings for a period not to exceed 60 days. If the parcel owner

breaches the qualifying offer, then the stay is vacated, and the association can proceed in its foreclosure action against the parcel owner.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 2312 – Florida False Claims Act

By Judiciary; Oelrich and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1595

Committee(s) of Reference: Judiciary; Criminal and Civil Justice Appropriations

The Florida False Claims Act authorizes civil actions by individuals and the state against persons who file false claims for payment or approval with a state agency. This bill makes the following changes to the Florida False Claims Act:

- Specifically provides that the Florida False Claims Act applies to false claims submitted in an electronic format;
- Increases the civil penalty for violating the Florida False Claims Act from between \$5,000 and \$10,000 to between \$5,500 and \$11,000; and
- Increases the statute of limitation for bringing actions against people who violate the Florida False Claims Act.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

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Committee on Homeland Security & Public Safety

CS/HB 1 – Drug-Related Task Forces

By Safety & Security Council; Peterman

Tied Bills: None

Iden./Sim Bills: CS/SB 270; CS/SB 928

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety

CS/HB 1 creates the Drug Paraphernalia Abatement Task Force, a nine-member task force within the Executive Office of the Governor to recommend strategies for reducing the availability and use of drug paraphernalia. The bill specifies the members and their appointment, the chair's selection, the minimum number and location of meetings, public access to meetings and records, reimbursement for per diem and travel expenses, topics for task force review, and deadlines for submitting reports of findings and recommendations. The task force must hold its first meeting by July 15, 2007. The Office of Drug Control is to provide staff support within existing resources. The bill abolishes the task force on July 1, 2008.

The bill also creates a thirteen member Task Force for the Remediation of Illicit Drug Labs in the Executive Office of the Governor for the purpose of recommending strategies and actions for reducing or eliminating health risks from buildings in Florida where methamphetamine or other contraband has been illegally manufactured. The bill specifies the membership and duties of the task force.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

SB 2 – Unattended Child in Motor Vehicle

By Dawson and others

Tied Bills: None

Iden./Sim Bills: HB 667

Committee(s) of Reference: Children, Families and Elder Affairs; Criminal Justice

Currently, s. 316.6135, F.S., prohibits a parent, legal guardian, or other person responsible for a child from leaving a child under the age of 6 years unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes. If the motor vehicle is running or the health of the child is in danger, such persons are prohibited from leaving a child unattended or unsupervised for any period of time. A violation of this section is a non-criminal traffic infraction which is punishable by a fine of up to \$100; or between \$50 and \$500 if the motor vehicle was running or the health of the child was in danger.

The bill provides that if any person commits this offense and in so doing causes great bodily harm, permanent disability or permanent disfigurement to a child, the offense is a third degree felony, punishable by up to five years in prison and a fine of up to \$5,000. The bill makes it a second degree misdemeanor, punishable by up to 60 days in jail and a fine of up to \$500 for a parent, legal guardian or other person responsible for a child to leave a child under the age of 6 years unattended or unsupervised in a motor vehicle for

a period in excess of 15 minutes. The offense of leaving a child under 6 years of age unattended in a motor vehicle if the vehicle is running or the health of the child is in danger will remain a non-criminal traffic infraction.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 25 – Vehicular Incidents Involving Death or Personal Injuries

By Galvano and others

Tied Bills: None

Iden./Sim Bills: SB 720

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety; Policy & Budget Council (W/D)

HB 25 requires the imposition of a two-year minimum mandatory sentence for the offense of leaving the scene of an accident involving death where the offender was driving under the influence. The bill also requires that a judge order an offender to make restitution to the victim upon conviction for the offenses of leaving the scene of an accident involving injury or death. The bill authorizes the imposition of "victim injury points" for these offenses. This would have the effect of significantly increasing the lowest permissible sentence that a judge can impose for the offense of leaving the scene of an accident involving death.

The bill requires the imposition of a four-year minimum mandatory sentence for the offense of DUI manslaughter. Because the lowest permissible sentence for this offense is already greater than 4 years, this provision would not increase the sentence in cases in which the offender is sentenced in excess of the lowest permissible sentence but would have the effect of prohibiting a judge from giving a reduced sentence.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 123 – Investigations of Law Enforcement and Correctional Officers

By Safety & Security Council; Gibson, H. and others

Tied Bills: None

Iden./Sim Bills: CS/SB 492

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety

Florida statutes grant law enforcement officers and correctional officers certain rights when the officer is being investigated by his or her employing agency. This bill provides that, whenever possible, a law enforcement or correctional agency must interview all identifiable witnesses prior to the beginning of an investigative interview of an accused officer. Further, the bill provides that the accused officer must be given a copy of the complaint and all witness statements prior to the investigative interview of the accused officer. The bill also permits the accused officer, after being informed of the right to review witness statements, to voluntarily waive the right to do so.

This bill creates an additional exception to the requirement that an agency provide notice of its intent to proceed with disciplinary action within 180 days after the date the agency received notice of the misconduct. Specifically, the bill provides that the running of the limitations period may be tolled for emergencies or natural disasters during the time

period wherein the Governor has declared a state of emergency within the jurisdictional boundaries of the concerned agency.

This bill also requires political subdivisions that initiate or receive a complaint against a law enforcement or correctional officer to forward the complaint to the employing agency of the officer who is the subject of the complaint within 5 business days for review or investigation.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 143 – Criminal Justice Standards and Training Commission

By Dean and others

Tied Bills: None

Iden./Sim Bills: SB 1774

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety; Policy & Budget Council

In 2004, Congress passed the "Law Enforcement Officers Safety Act of 2004", commonly known as HR 218. According to the act, an individual who is a "qualified law enforcement officer" or "qualified retired law enforcement officer" as defined by the act and who is carrying specified identification is authorized to carry a concealed firearm. Under this act, the definition of the term "qualified retired law enforcement officer" includes a requirement that the person has met the state's standards for training and qualification for active law enforcement officers to carry firearms.

HB 143 requires the Criminal Justice Standards and Training Commission within the Florida Department of Law Enforcement to adopt rules establishing the manner in which the federal Law Enforcement Officers Safety Act of 2004 will be implemented in the state. The bill requires the commission to develop and authorize a uniform proficiency verification card to be issued to persons who achieve a passing score on the firing range testing component of the minimum firearms proficiency course for active law enforcement officers. The card will indicate the person's name and the date on which he or she achieved the passing score. Such a card will be issued only by firearms instructors certified by the commission.

The bill allows facilities operating firing ranges which use certified firearms instructors to open the firing range to other persons who wish to demonstrate their ability to achieve a passing score on the firing range proficiency course. All costs associated with the demonstration by any such person that he or she meets the requirements of the firing range testing component of the minimum firearms proficiency course will be at the expense of the person being tested.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 146 (Ch. 2007-2, L.O.F.) – Anti-Murder Act/Violent Offenders

By Criminal and Civil Justice Appropriations; Criminal Justice; Dockery and others

Tied Bills: None

Iden./Sim Bills: CS/HB 29

Committee(s) of Reference: Criminal Justice; Judiciary; Criminal and Civil Justice Appropriations

This bill creates a class of persons known as a “violent felony offender of special concern” which consists of individuals who are either on probation for committing certain qualifying offenses or who violate probation by committing certain qualifying offenses.

The bill prohibits violent felony offenders of special concern and certain other probationers who are arrested for violating the terms of their probation from being granted bail unless the violation is based solely on the offender’s failure to pay certain costs. The bill requires courts to hold a recorded violation hearing.

If the court determines that a violent felony offender of special concern committed a violation, the bill requires the court to make a written finding as to whether the offender poses a danger to the community. If so, the court must revoke the offender’s probation and sentence the offender up to the statutory maximum. If the court finds that the offender is not a danger to the community, the court may revoke, modify, or continue the offender’s probation.

The Criminal Punishment Code provides a mathematical formula that determines the minimum sentence that a criminal offender must serve. Under current law, a probation violator is assessed an additional 12 points for a new felony violation, and 6 points for any other violation. This bill increases those points so that violent felony offenders of special concern who violate probation are assessed an additional 24 points for a new felony violation, and 12 points for other violations.

This bill requires the Department of Corrections, counties, and the state attorney to provide certain information to the courts that will assist the courts in identifying certain offenders, including violent felony offenders of special concern.

The bill directs the Department of Corrections, in conjunction with other specified entities, to coordinate preparation of a report, by February 1, 2008, that identifies problems related to the implementation of the act.

This bill was signed into law April 13, 2007, by the Governor, Ch. 2007-2, L.O.F.

CS/SB 184 – Strangulation/Domestic Battery

By Criminal Justice; Dockery and others

Tied Bills: None

Iden./Sim Bills: CS/HB 807

Committee(s) of Reference: Criminal Justice; Health Regulation; Criminal and Civil Justice Appropriations (W/D)

The bill creates the offense of “domestic battery by strangulation” and provides that a person commits domestic battery by strangulation, a third degree felony, if the person knowingly and intentionally, against the will of another impedes the normal breathing or circulation of the blood of a family or household member or of a person with whom he or she is in a dating relationship, so as to create a risk of or cause great bodily harm by applying pressure on the throat or neck of the other person or by blocking the nose or mouth of the other person. The bill provides an exception for acts of medical diagnosis, treatment, or prescription which are authorized under the laws of this state.

The bill defines “family or household member” and “dating relationship.”

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2007.

CS/HB 339 – Federal Law Enforcement Officers

By Safety & Security Council; Scionti and others

Tied Bills: None

Iden./Sim Bills: SB 614

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety

Currently s. 784.07, F.S. reclassifies the felony or misdemeanor degree of assault or battery offenses committed on such persons as firefighters, emergency medical care providers, law enforcement officers, and other specified persons. Further, this section requires that a person convicted of aggravated battery of a law enforcement officer must be sentenced to a minimum term of imprisonment of five years. A person convicted of aggravated assault upon a law enforcement officer must be sentenced to a minimum term of imprisonment of three years. CS/HB 339 redefines the term “law enforcement officer to include federal law enforcement officers for the purpose of enhancing the maximum penalty which can be imposed for the offenses of assault or battery of a federal law enforcement officer. Further, the bill will require the imposition of a five year minimum mandatory sentence for aggravated battery of a federal law enforcement officer and the imposition of a three year minimum mandatory sentence for the offense of aggravated assault of a federal law enforcement officer.

Section 843.08, F.S., makes it a third degree felony to falsely assume or pretend to be a deputy sheriff, police officer, correctional probation officer or one of a list of other officers. This is known as falsely personating an officer. The bill expands this provision to include a person who is falsely personating a federal law enforcement officer.

Subject to the Governor’s veto powers, the effective date of this bill is July 1, 2007.

HB 409 – Criminal Sentencing

By Garcia, L. and others

Tied Bills: None

Iden./Sim Bills: SB 566

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety; Policy & Budget Council (W/D)

Current law provides for enhanced penalties for a list of specified offenses including murder, kidnapping and aggravated battery when the offense is committed against a law enforcement officer, correctional officer, state attorney or judge. HB 409 increases the lowest permissible sentence which must be imposed for the offenses of attempted felony murder and second degree murder when the offense is committed against a law enforcement officer, correctional officer, state attorney or judge. In conformity with current law, the bill will prohibit a judge from withholding adjudication of guilt for the offense of attempted felony murder when the offense is committed against a law enforcement officer or other specified official.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/HB 449 – Criminal Offenses

By Safety & Security Council; Snyder and others

Tied Bills: None

Iden./Sim Bills: CS/SB 214

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety; Policy & Budget Council

The bill reclassifies the felony degree of certain burglary and theft offenses if the offense was committed within a county that is subject to a state of emergency declared by the Governor, and the perpetration of the offense was facilitated by conditions arising from the emergency. A person arrested for committing such an offense may not be released until the person appears before a committing magistrate at a first-appearance hearing.

The bill increases the severity of a theft offense if the property stolen is law enforcement equipment valued at \$300 or more that is taken from an authorized emergency vehicle. The offense will be a second degree felony.

The bill also increased the severity of a burglary offense when the person enters or remains in an authorized emergency vehicle. This offense will be a second degree felony and will be treated in the same manner as a burglary offense where the offender enters or remains in an occupied conveyance.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 723 – Correctional and Law Enforcement Officer Discipline

By Thompson, N. and others

Tied Bills: None

Iden./Sim Bills: SB 690

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety

Section 112.533, F.S., currently requires law enforcement and correctional agencies to establish procedures for the receipt, investigation, and determination of complaints against law enforcement and correctional officers. Although these procedures vary from agency to agency, most agencies generate investigative reports summarizing the agency's findings. This bill requires law enforcement or correctional agency personnel who are investigating a complaint against an officer and who are preparing an investigative report or summary regarding such complaint to:

- Verify that the contents of the report are true and accurate based upon the officer's information and belief; and
- Include the following statement:

“I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the

investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes”

The bill further specifies that the verifications be completed prior to the determination as to whether to proceed with disciplinary action or to file disciplinary charges.

The bill also requires that all statements provided by a law enforcement officer or correctional officer during the course of a complaint investigation be made under oath. The bill permits prosecution for perjury if a law enforcement officer or correctional officer knowingly gives false statements when under investigation.

Subject to the Governor’s veto powers, the effective date of this bill is upon becoming a law.

CS/SB 988 – High-risk Offenders

By Criminal Justice; Argenziano and others

Tied Bills: None

Iden./Sim Bills: HB 7103

Committee(s) of Reference: Criminal Justice; Education Pre-K-12; Governmental Operations; Criminal and Civil Justice Appropriations (W/D)

In 2005, the Jessica Lunsford Act became law and required non-instructional contractual personnel who are permitted access on school grounds when students are present to meet level 2 screening requirements. The bill modifies these provisions by:

- Requiring that a fingerprint-based background screening be performed of non-instructional contractors who: (1) are permitted access to school grounds when students are present; (2) are not anticipated to have direct contact with students in performing their contract; and (3) would have only unanticipated contact with students that is infrequent and incidental;
- Providing a list of offenses that disqualify a non-instructional contractor from having access to school grounds when students are present;
- Exempting specified non-instructional contractors from fingerprint-based background checks. Exempt contractors will be subject to a search of the state and national registry of sexual predators and sexual offenders with no charge to the contractor;
- Exempting instructional personnel who work with children with developmental disabilities or who are child care personnel from fingerprint-based background checks if they are required to undergo a level 2 background screening, have done so in the previous five years and meet level 2 standards, and have fingerprints retained by FDLE; and
- Limiting fees charged to a contractor to no more than 30 percent of the total cost charged by FDLE and the FBI.

Also, the bill requires that all driver’s licenses or identification cards issued or reissued to sexual predators or sexual offenders must have markings on the front of the card indicating the section of statute under which they are registered. The bill will make it unlawful for any person to have in his or her possession a driver’s license or identification card upon which the sexual predator or sexual offender markings are not displayed or have been altered. A violation of this provision will be a third degree felony.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007 unless otherwise provided.

CS/HB 989 – Crime Victims

By Safety & Security Council; Snyder and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 642

Committee(s) of Reference: Safety & Security Council; Homeland Security & Public Safety; Policy & Budget Council

CS/HB 989 relates to crime victim rights, compensation, and services. The bill:

- Prohibits a law enforcement officer, prosecuting attorney or other governmental official from asking or requiring the victim of a sex offense to submit to a polygraph examination or other truth-telling device as a condition precedent to investigation of the offense.
- Requires that a victim advocate from a certified rape crisis center be present during a forensic examination upon request of the victim, victim's parent or guardian.
- Eliminates the requirement that the victim must report the sex offense to law enforcement in order to receive payment for a forensic medical examination.
- Raises the amount paid by the Department of Legal Affairs for the medical exam from \$250 to \$500.

Currently, a victim or the victim's parent or legal guardian may request that a court order a HIV test of the accused if the accused has been charged with one of a list of specified offenses. The bill requires that the offender undergo HIV testing within 48 hours of the court order.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1004 – Cybercrimes Against Children Act of 2007

By Criminal and Civil Justice Appropriations; Argenziano and others

Tied Bills: None

Iden./Sim Bills: CS/HB 573

Committee(s) of Reference: Criminal Justice; Criminal and Civil Justice Appropriations

This bill expands the jurisdiction of the Office of Statewide Prosecution by granting them the authority to investigate and prosecute any crime enumerated in s. 16.56(1)(a)1.-12., F.S. facilitated by or connected to the use of the Internet as well as all violations of Ch. 827, F.S., where the crime is facilitated by the use of the Internet. The bill also provides statewide grand juries jurisdiction over all violations of Ch. 827, F.S., where the crime is facilitated by the use of the Internet.

This bill reclassifies specific felony offenses involving the possession, production, or transmission of an image of child pornography or the sexual performance of a child to the next higher degree if an offender possess 10 or more images of any form of child pornography and the content of at least one image contains: a child who is under the age of 5 years, sadomasochistic abuse involving a child, sexual battery involving a child, sexual bestiality involving a child, or any movie involving a child.

Currently, s. 847.0135(3), F.S., provides that any person who knowingly utilizes certain computer services to seduce, solicit, lure, or entice a child or another person believed by the person to be a child to commit certain acts commits a felony of the third degree. This bill amends this subsection by adding “unlawful sexual conduct” to the list of offenses which a person is prohibited from seducing, soliciting, luring, or enticing a child into engaging in, and by adding “parents”, “legal guardians”, and “custodians” to the list of persons that may not be solicited, lured, or enticed to commit certain illegal acts. Persons who misrepresent their age while violating this subsection commit a second degree felony.

This bill creates s. 847.0135(4), F.S., which provides that any person who uses certain computer services to seduce, solicit, lure, or entice a child or a child’s parent, legal guardian, or custodian to engage in certain illegal acts and then travels with the purpose of engaging in such acts commits a second degree felony.

This bill also amends s. 910.15(1), F.S., to provide that crimes facilitated by a communication through the use of mail, telephone, or newspaper, or by radio, television, Internet, or other means of electronic data communication may be tried in the county in which the dissemination originated, in which the dissemination was made, or in which any act necessary to consummate the offense occurred.

This bill requires sexual predators and sexual offenders, as part of their registration process, to provide FDLE any electronic mail address or instant message name prior to using such electronic mail address or instant message name. The bill requires FDLE to establish an online system through which sexual predators and sexual offenders may securely access and update electronic mail address and instant message name information. The bill also authorizes FDLE to provide information relating to electronic mail addresses and instant message names maintained as part of the sexual offender registry to commercial social networking websites.

Subject to the Governor’s veto powers, the effective date of this bill is October 1, 2007.

CS/CS/SB 1604 – Sexual Offenders & Predators

By Judiciary; Criminal Justice; Argenziano

Tied Bills: None

Iden./Sim Bills: CS/CS/HB 665

**Committee(s) of Reference: Criminal Justice; Judiciary; Criminal and Civil Justice
Appropriations (W/D)**

In July 2006, the federal Adam Walsh Child Protection and Safety Act of 2006 became law and imposed certain requirements on state sexual offender registries. This bill makes a number of conforming changes to state law including the following:

- Sexual predators and certain sexual offenders will be required to report in person at the sheriff’s office every three months, rather than every six months.
- Sexual predators and certain sexual offenders will be required to maintain registration for life without the possibility of petitioning for removal.
- Certain juveniles who are 14 years of age or older and are adjudicated delinquent for a specified sexual offense will be required to register as a sexual offender.

- Local law enforcement agencies, the Department of Corrections and the Department of Juvenile Justice will be required to report to the Florida Department of Law Enforcement (FDLE) failure of a sexual predator or sexual offender to comply with registration requirements.
- FDLE will be required to develop and maintain a system to provide automatic notification of registration information regarding sexual predators and sexual offenders to the public. Schools, public housing agencies, agencies responsible for conducting employment related background checks, social service entities responsible for protecting minors in the child welfare system and certain other organizations will have access to the system.

Also, certain offenders that have committed a first time sexual battery or lewd or lascivious offense on a victim 14 years of age or older, but less than 17 years of age, when the offender was not more than 4 years older than the victim and where the judge makes a finding that the removal of the registration requirement will not conflict with federal law will be able to petition to be removed from the registry. This will require a finding that consensual sexual activity occurred.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1644 – Theft

By Criminal and Civil Justice Appropriations; Gaetz and others

Tied Bills: None

Iden./Sim Bills: HB 735

Committee(s) of Reference: Commerce; Criminal Justice; Criminal and Civil Justice Appropriations

This bill expands the theft and retail theft statutes to provide enhanced penalties for people who individually, or in concert with one or more other persons, coordinate the activities of one or more persons in committing the offense of theft or retail theft where the stolen property has a value in excess of \$3,000. The bill makes these offenses a second-degree felony.

Subject to the Governor's veto powers, the effective date of this bill is October 1, 2007.

CS/CS/SB 1792 – Department of Corrections

By Criminal and Civil Justice Appropriations; Transportation; Criminal Justice; Argenziano and others

Tied Bills: None

Iden./Sim Bills: HB 7113; includes part of CS/SB 1794

Committee(s) of Reference: Criminal Justice; Transportation; Criminal and Civil Justice Appropriations

This bill adds Department of Corrections' vehicles to the definition of "authorized emergency vehicles" contained in s. 316.003, F.S., and authorizes them to operate lights and sirens in an emergency.

The Department of Corrections (Department) operates the Employee Benefit Trust Fund whose funding is derived primarily from the proceeds of vending machines not intended for use by inmates. The bill clarifies that proceeds from the employee canteen and from the recycling program can be a source for funding the trust fund, and expands permissible uses of the fund to include employee appreciation programs and activities. It also provides for centralized oversight and reporting of each institution's fund.

The bill authorizes judges to issue notices to appear to offenders who are alleged to have violated probation or community control, rather than having them arrested and jailed. A notice to appear could be issued at the judge's discretion, except that it is not authorized for offenders who have committed one of the Anti-Murder Act qualifying offenses. The bill provides for service of the notice by a probation officer, and tolls the probationary period when a notice to appear is issued or a warrantless arrest is made.

The bill authorizes the chief judge of each judicial circuit to direct the Department to use a notification letter in lieu of a violation packet to the court when reporting a violation of probation that does not involve a new criminal offense. The judge has discretion to determine when it is appropriate to use a notification letter.

The bill also requires the Department to provide the court with a recommendation for disposition of a case in which an offender admits to or is found to have violated probation or community control. The court may specify whether the report is to be oral or written, and may waive the requirement in any case or class of cases. If authorized by the court, the Department may deliver affidavits, violation reports, notification letters of technical violation, and other documents by e-mail or facsimile.

The bill also addresses an OPPAGA recommendation to remove statutory caseload restrictions applying to certain categories of offenders supervised by the Department. OPPAGA has found that the current statutory restrictions hinder appropriate supervision for high-risk offenders who are not in the statutorily-restricted caseload categories. The bill directs the Department to study the effect of removing the caseload restrictions and managing probation officer caseloads based upon an assessment of risk, and report the results to the Legislature and the Governor.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

HOUSE OF REPRESENTATIVES

Schools & Learning Council

Representative Joe H. Pickens, Chair

Representative Anthony Trey Traviesa, Vice Chair

2007 SUMMARY OF PASSED LEGISLATION



Committee on 21st Century Competitiveness

Representative David Simmons, Chair

Representative Seth McKeel, Vice Chair

Committee on Education Innovation & Career Preparation

Representative Thad Altman, Chair

Representative John Legg, Vice Chair

Committee on K-12

Representative Anitere Flores, Chair

Representative Marti Coley, Vice Chair

Committee on Postsecondary Education

Representative David J. Mealor, Chair

Representative William L. "Bill" Proctor, Vice Chair

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Schools & Learning Council

CS/SB 420 –Retirement

By Governmental Operations; Lawson

Tied Bills: None

Iden./Sim Bills: CS/HB 685

Committee(s) of Reference: Higher Education; Governmental Operations; General Government Appropriations

The bill makes available certain options for public education employees:

- Regarding employees of community colleges or charter technical career centers sponsored by community colleges, the bill expands participation in the State Community College System Optional Retirement Program to include those that are eligible for renewed membership in the Regular Class of the FRS.
- Regarding employees of the state university system, the bill expands participation in the Optional Retirement Program for the State University System to include those eligible for renewed membership in the FRS.
- Employees who have elected participation in the State University System Optional Retirement System have the one-time option of transferring to either the FRS or the Public Employee Optional Retirement Program.

The bill provides for a transfer of benefits and cessation from future benefits under the original program for employees who elect participation in the State University System Optional Retirement Program. For employees who elect transfer to the FRS from the State University System Optional Retirement Program, service credit is based on the actuarially determined accumulated benefit obligation for that period of service, and the transfer sum is determined by a formula and methodology certified by an enrolled actuary.

Regarding participation in the Public Employee Optional Retirement Program, the bill expands the definition of an eligible employee by both removing the restriction on employees participating in an optional retirement program, and including participants in the State University System Optional Retirement Program.

The bill also amends s. 112.0801, F.S., which addresses group insurance programs provided for state agencies, counties, municipalities, special districts, community colleges, and district school boards. The bill defines a retiree as an officer or employee who retires under a state retirement system, or a state optional annuity or retirement program, or who is receiving disability retirement.

To be considered as a retired officer or employee under the Public Employee Optional Retirement Program (State Investment Plan), the member must meet six years of creditable service, and comply with statutory age and service requirements, contingent on class of service, and age requirements pursuant to the Internal Revenue Code.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 450 – Florida Teachers Lead Program Stipend/Pre-K
By Education Pre-K - 12 Appropriations; Education Pre-K -12; Rich and others
Tied Bills: None
Iden./Sim Bills: CS/HB 355; CS/HB 7081; CS/SB 1924
Committee(s) of Reference: Education Pre-K -12; Education Pre-K - 12
Appropriations

The bill provides that prekindergarten, charter school, and job-share classroom teachers who teach pre-kindergarten through grade 12 students who are funded through the FEFP, shall be eligible to receive a Florida Teachers Lead Program Stipend.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 515 – University of West Florida
By Evers and others
Tied Bills: None
Iden./Sim Bills: SB 1648
Committee(s) of Reference: Schools & Learning Council; Policy & Budget Council

The bill authorizes the University of West Florida to implement master of science degree programs in nursing and social work.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1046 – Education
By Education Pre-K -12 Appropriations; Wise
Tied Bills: None
Iden./Sim Bills: CS/HB 7081
Committee(s) of Reference: Education Pre-K -12 Appropriations

The bill provides that slot machine revenues transferred to the Educational Enhancement Trust Fund may be used for recurring appropriations.

The bill defines team teaching, co-teaching, and inclusion teaching.

The bill amends FEFP provisions in s. 1011.62, F.S., as follows:

- ESE Guaranteed Allocation -- Provides that a school district's expenditure of funds from the ESE guaranteed allocation for gifted students in grades 9 through 12 may not be greater than the amount the district spent for gifted students in grades 9 through 12 during the 2006-2007 fiscal year. This spending limitation does not apply for exceptional students and gifted students in grades K through 8.
- DJJ Supplemental Allocation -- Provides the methodology for calculating the supplemental allocation for students in juvenile justice education programs.
- Sparsity Supplement -- Provides that the sparsity supplement shall be a minimum of \$100 per FTE.

- Deletes obsolete provisions in ss. 1011.62 (6) (b), F.S., relating to programs that are no longer funded as a categorical, and 1011.71 (5) (b), F.S., relating to a school district expenditure requirement that has expired.

The bill requires the Office of Program and Policy Analysis and Government Accountability to conduct a survey of school districts to obtain information about the educational programs and services provided to students in kindergarten through grade 12 who are gifted and to submit a report by December 1, 2007.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1060 – Educational Facilities

By Education Facilities Appropriations; King

Tied Bills: None

Iden./Sim Bills: CS/HB 7081; HB 7099

Committee(s) of Reference: Education Facilities Appropriations

The bill:

- Amends ss. 201.15 (d) 3., 1013.64 (7), 1013.65 (2) (a) 4., and 1013.738, F.S., to delete provisions related to the transfer of recurring funds to the Public Education Capital Outlay and Debt Service Trust Fund to be used for the Classrooms for Kids Program and the High Growth County District Capital Outlay Assistance Grant Program. These programs will be funded through nonrecurring appropriations instead of these recurring transfers.
- Amends s. 203.01 (1) (c), F.S., to speed up receipts of gross receipts utility tax revenues by advancing the date from the last day of the month to the 20th day of each month. This will provide a one time increase in funds available to be appropriated for public education capital outlay.
- Amends s. 1013.64 (1) (a) and (3) (a), F.S., to provide that in calculating funds for public education capital outlay purposes modular noncombustible facilities shall have a 35-year life and that capital outlay FTE shall be for K-12 students for whom the school district provides the educational facility.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1064 – Facility Enhancement Challenge Grant Programs

By Education Facilities Appropriations; King

Tied Bills: None

Iden./Sim Bills: None

Committee(s) of Reference: Education Facilities Appropriations

The bill amends s. 1013.79, F.S., to streamline the administrative process for the Alec P. Courtelis University Facility Enhancement Challenge Grant Program and to conform to current administrative practices. The bill requires each university to establish a separate account for private matching funds, which eliminates the need to transfer private match funds from universities to the state's Alec P. Courtelis Capital Facilities Matching Trust Fund. As a result, several unnecessary administrative processes are eliminated.

The bill terminates the Alec P. Courtelis Capital Facilities Matching Trust Fund on July 1, 2009, because the trust fund has not received state match appropriations in recent years, and, as a result of this bill, will no longer serve as a depository for the private match contributions.

The bill provides a process by which unused state matching funds are returned to the state and clarifies that the Legislature, as well as the Board of Governors, may approve state university challenge grant projects.

The bill also amends s. 1011.32, F.S., related to the Community College Facility Enhancement Challenge Grant Program, to conform to the current practice for returning unused state matching funds to the state. Additionally, the bill clarifies that community college challenge grant projects may be approved by the Legislature as well as the State Board of Education, as long as the projects meet statutory criteria.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 1226 (Ch. 2007-3, L.O.F.) – Merit Award Program/School Board Employees

By Education Pre-K - 12 Appropriations; Education Pre-K - 12; Gaetz and others
Tied Bills: None

Iden./Sim Bills: CS/HB 7021

Committee(s) of Reference: Education Pre-K - 12; Education Pre-K - 12 Appropriations

The bill establishes the Merit Award Program for instructional personnel and school-based administrators. District participation in the program is voluntary. However, districts will only receive their appropriation for merit award supplements if they choose to adopt a plan under this section.

Components and eligibility

In order to be eligible for funding under this program, district plans must provide for an assessment and reward eligible employees based upon both performance of assigned students and principal or superintendent evaluations. All instructional personnel except substitute teachers, and all school-based administrators are eligible for merit awards without having to apply. Instructional teams such as those in co-teaching or team teaching situations may receive awards as a team.

The funds for districts that choose not to participate in the program revert to the fund from which they came. All funds appropriated for the program must be disbursed to qualifying employees by September 1 of the following school year.

Charter schools are also eligible for merit award pay plans. If a charter school follows a district's salary schedule, the charter school is included within the district's plan. However, if a charter school does not follow the district's salary schedule or the district chooses not to adopt a plan, the charter school may adopt its own merit award pay plan pursuant to the requirements of the statute.

Each district plan must designate top performing employees and must include a supplement of at least 5 percent of the average teacher's salary for that school district,

but no more than 10 percent of the average teacher's salary for that school district from state appropriated funds. Districts may use their own funds to provide additional supplements. The amount of the awards may not be based upon length of service or base salary. The employee must remain employed at a Florida public school in order to receive the bonus. District plans may include a component rewarding exemplary work attendance of eligible employees.

By October 1st, the districts must submit documentation to the Department of Education regarding the expenditure of program funds. Any program funds that are not disbursed by the participating district are to be refunded to the Department of Education. If funds are not refunded to the Department of Education, the Department of Education shall withhold Florida Education Finance Program district lottery funds of an equivalent amount. Merit-based awards may not adversely affect the opportunity of the recipient to receive any other compensation made available to other teachers and principals within the district.

Student performance component

District assessment of instructional personnel must consider the performance of students assigned to the teacher, or in the case of co-teaching or team teaching, within that teacher's sphere of academic responsibility. School-based administrators are evaluated according to the performance of the entire student body at the school.

Improved student performance is measured by statewide standardized tests and, for grades and courses not covered by the statewide assessment program, by district determined testing instruments that meet certain criteria. District assessment measures must balance student performance based on academic proficiency and learning gains. The student performance component must be weighted at no less than 60 percent of the overall evaluation.

Professional practices component

District merit award plans must require that each employee meet the criteria set forth by the district for its principal/superintendent appraisal. This portion of the assessment shall be weighted at up to 40 percent of the evaluation. The district appraisal criteria must include, but are not limited to:

- Ability to maintain discipline.
- Outstanding knowledge of subject matter and ability to deliver high quality instruction.
- Ability to evaluate student instructional needs.
- Ability of teachers and principals to work well with parents and families of students.
- The Florida Educator Accomplished Practices for instructional personnel and the Florida Principal Leadership Standards for school-based administrators.

In addition, the criteria for school-based administrators also includes management of human, financial and material resources to maximize such resources for direct instruction and the ability to recruit and retain high-performing teachers.

Department of Education and school district procedural requirements

Districts are required to notify employees of the criteria and procedures of the district plan. The Department of Education is required to provide technical assistance upon request on plan development and to collect and disseminate best practices for district-determined testing instruments. The advice and recommendations provided by the Department of Education are not subject to the administrative rulemaking procedures of chapter 120, F.S.

Districts must submit their plan to the Commissioner of Education by October 1 of each year. The Commissioner of Education shall review the plan for compliance by November 15. If a district plan fails to meet the statutory requirements, the Commissioner of Education must detail in writing the revisions that are to be made. Revised plans must be submitted by January 31. The Commissioner of Education must certify any district or charter school plans that do not comply to the Governor, President of the Senate, and Speaker of the House annually by February 15.

Districts are required to annually review their plans for compliance and issue a report that must be sent to the Commissioner of Education by October 1 of the following school year to verify compliance the previous year. The Commissioner of Education must then submit a report to the Governor, President of the Senate, and Speaker of the House certifying district or charter schools that failed to implement plans in accordance with the statute. The report must be sent by the Commissioner of Education by December 1st.

Plans submitted and approved for the 2007-2008 school year shall apply during the 2007-2008 school year and the 2008-2009 school year. Thereafter, all plans submitted shall apply during the following school year. Any subsequent revisions must be reviewed by the district school board and the Commissioner of Education.

Beginning with the 2007-2008 school year, participating districts must be able to administer end-of-course exams in all grade groupings and subject areas. Statewide assessments, College Board Advanced Placement Examination, International Baccalaureate Examination, Advanced International Certificate of Education Examination, or national industry certification will satisfy this requirement.

Individual merit awards are subject to collective bargaining under chapter 447, F.S. An expedited procedure is provided to resolve an impasse between the district and the union over the adoption or details of a merit award program plan pursuant to s. 1012.225, F.S.

Options for the 2006-2007 school year

The STAR proviso language from the 2006-07 GAA is codified and repealed, and the 2006-2007 appropriation is rescinded. The sum of \$147.5 million is appropriated as a supplemental appropriation for Aid to Local Governments, Grants and Aids –Florida Education Finance Program. These funds are to be allocated to districts based on each district's portion of the total state K-12 base funding amount.

The STAR deadline for submission of district plans is pushed back to May 1, 2007. Any district that is able to submit its plan by the May 1 deadline and have a plan approved will receive its appropriation. Districts with an existing performance pay policy pursuant

to s. 1012.22(1)(c), F.S., may also be eligible for funding, but they must amend their plan to meet the new statutory criteria prior to the disbursement of funds under this section, or if they do not amend their plan to meet the statutory requirements, they may receive only the amount they disbursed under s. 1012.22(1)(c)4., F.S.

Any funds that would have been available to districts that choose not to meet any of the above requirements for the 2006-2007 school year revert to the fund from which the appropriation came. Furthermore, any funds the districts do not disburse pursuant to their merit award, STAR, or s.1012.22(1)(c), F.S., plan must be returned to the Department of Education. Any amount of such funds that are not returned shall be withheld by the Department of Education from the district's Florida Education Finance Program allocations.

The bill was signed into law on March 29, 2007, by the Governor, Ch. 2007-3, L.O.F.

SB 1326 – University Concurrency TF/DOE

By Lynn

Tied Bills: None

Iden./Sim Bills: HB 7023

Committee(s) of Reference: Higher Education Appropriations

The bill re-creates the University Concurrency Trust Fund within the Department of Education. The re-creation is effective July 1, 2007, which is the current termination date of the fund as specified in s. 1013.63(4), F.S. The bill provides that all current sources and uses of the trust fund are continued. The bill repeals s. 1013.63(4), F.S.

The bill passed with a three-fifths vote of the membership of each house of the Legislature, pursuant to section 19(f), Art. III of the Florida Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1328 – Trust Funds/State University System

By Higher Education Appropriations; Lynn

Tied Bills: None

Iden./Sim Bills: HB 7041

Committee(s) of Reference: Higher Education Appropriations

As a result of the trust fund review required by s. 215.3208(1), F.S., the bill terminates 14 obsolete trust funds within the Board of Governors of the State University System and provides for the disposition of balances in the trust funds. The bill also makes conforming amendments to ss. 267.173, 1004.45, 1009.74, and 1011.94, F.S., to replace references to the "Trust Fund for University Major Gifts" with "University Major Gifts Program," leaving the program unchanged. Finally, the bill renumbers nine trust funds to simplify coding in the state accounting system.

The bill passed with a three-fifths vote of the membership of each house of the Legislature, pursuant to section 19(f), Art. III of the Florida Constitution.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

**CS/SB 1330 (Ch. 2007-19, L.O.F.) – DOE Trust Funds/Termination
By Education Pre-K - 12 Appropriations; Wise
Tied Bills: None
Iden./Sim Bills: HB 7035
Committee(s) of Reference: Education Pre-K - 12 Appropriations**

As a result of the trust fund review required by s. 215.3208(1), F.S., the bill terminates the Projects, Contracts and Grants Trust Fund and the Dale Hickam Excellent Teaching Trust Fund within the Department of Education. The bill also renames the Educational Aids Trust Fund as the Federal Grants Trust Fund pursuant to s. 215.32, F.S.

The bill amends s. 1002.335, F.S., and repeals sections 1010.72, 1010.76, 1010.78, and subsection (5) of section 1012.72, F.S., conforming these sections.

The bill passed with a three-fifths vote of the membership of each house of the Legislature, pursuant to section 19(f), Art. III of the Florida Constitution.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-19, L.O.F. The effective date of this bill is July 1, 2007.

**SB 1332 (Ch. 2007-20, L.O.F.) – Operating Trust Fund/DOE
By Wise
Tied Bills: None
Iden./Sim Bills: HB 7027
Committee(s) of Reference: Education Pre-K - 12 Appropriations**

As a result of the trust fund review required by s. 215.3208(1), F.S., the bill creates the Operating Trust Fund within the Department of Education, for use as a depository for funds to be used for program operations funded by program revenues.

The bill passed with a three-fifths vote of the membership of each house of the Legislature, pursuant to section 19(f), Art. III of the Florida Constitution.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-20, L.O.F. The effective date of this bill is July 1, 2008.

**SB 1334 (Ch. 2007-21, L.O.F.) – Administrative Trust Fund/DOE
By Wise
Tied Bills:
Iden./Sim Bills: HB 7025
Committee(s) of Reference: Education Pre-K - 12 Appropriations**

As a result of the trust fund review required by s. 215.3208(1), F.S., the bill creates the Administrative Trust Fund within the Department of Education, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds.

The bill passed with a three-fifths vote of the membership of each house of the Legislature, pursuant to section 19(f), Art. III of the Florida Constitution.

This bill was signed into law on April 18, 2007, by the Governor, Ch. 2007-21, L.O.F.
The effective date of this bill is July 1, 2008.

CS/HB 2092 – Education**By Education Pre-K - 12; Deutch and others****Tied Bills: None****Iden./Sim Bills: CS/HB 653****Committee(s) of Reference: Education Pre-K - 12; Education Pre-K - 12****Appropriations****Department of Education reorganizational structure**

The bill revises the organizational structure of the Department of Education by specifically requiring the establishment of a Division of Workforce Education and a Division of Finance and Operations. The bill provides that the director of each of the divisions set forth in statute may be designated as “Deputy Commissioner” or “Chancellor”. The bill also deletes language requiring a division of colleges and universities within the Department of Education.

The bill provides the Commissioner of Education with authority to organize and name the structural units of the Department of Education in a manner that meets legislative intent and promotes efficiency and accountability.

District school board member compensation

The bill replaces the current requirements with the salary formula that was in place prior to the school code rewrite in 2002, setting the salary according to a formula based on the population of each county and adjusted each year in accordance with s. 145.19, F.S., which includes factors set forth by the Department of Management Services.

Revision of physical education and fine arts requirements for high school graduation

The bill revises the fine arts requirement for high school graduation by adding performing arts, which may include speech and debate.

The bill also provides various extracurricular or elective course options for fulfilling the physical education and the fine arts/performing arts requirements for high school graduation. Students may fulfill the one credit physical education requirement by participating in JV or Varsity sports for two years provided that the student passes a competency test on personal fitness with a score of “C” or better.

Students who complete a semester course in marching band with a grade of “C” or better, and students who take dance as an elective course may fulfill ½ credit in physical education and ½ credit in performing arts. Students who complete two years of Junior R.O.T.C. classes, a significant component of which is drills, may fulfill the one credit physical education requirement and the one credit performing arts requirement.

High School graduation grade forgiveness policies

The bill restores the language and policy that was in place prior to Legislature's revision of the high school grade forgiveness policies in 2006. Specifically, the bill deletes provisions that allowed students to receive elective credits for credit recovery courses in addition to the recovered credit.

District policies relating to credit recovery must allow students to replace grades of "D" or "F", or the equivalent of such grades, in required courses with a subsequent grade of "C" or higher, or the equivalent of such grades, in a comparable course, and replace grades of "D" or "F", or the equivalent of such grades, in elective courses with a subsequent grade of "C" or higher, or the equivalent of such grades, in another elective course.

The bill also provides an exception for a student in the middle grades who takes a high school course for high school credit and earns a grade of "C", "D", or "F" or the equivalent of such grades. In such cases, the district forgiveness policy must allow the replacement of the grade with a grade of "C" or higher; or the equivalent of such grades, earned subsequently in the same or comparable course.

Charter school revisions

The bill includes numerous conforming changes to reflect the fact that applications may be made for charter schools to the Florida Schools of Excellence Commission and its cosponsors as well as to school districts.

The bill also reinserts good cause as the legal standard for district school board review of charter school applications. This language provides that district school boards that deny an application for a charter school must state reasoning based upon good cause for such denial. This legal standard guides the review of such denials by the State Board of Education as well as the district courts of appeal.

The bill requires that a charter school must have been in operation for three years in order to be eligible to receive the 15-year renewal contract in order to conform to the subsequent requirement that charter schools must have received an A or a B for three of the past four years in order to receive the 15-year renewal contract.

The bill requires that charter school governing boards participate in board governance training approved by the Department of Education that must include government in the sunshine, conflicts of interest, ethics, and financial responsibility. It also clarifies that charter school facilities are exempt from assessments for special benefits and makes such exemption retroactive to July 1, 1996, which is the date of the original enactment of the charter school statute.

Charter school districts

The charter school district pilot program is extended until July 1, 2010, for Palm Beach, Hillsborough, Orange, and Volusia County. This pilot program allows these districts to be exempt from certain statutes within the state school code pursuant to a written charter contract with the State Board of Education.

Merit award program

The bill clarifies that instructional personnel and administrators who retire may still receive the bonus they earn the previous year through the new merit award program.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming law.

CS/HB 7147 – Postsecondary Education Enhancements

By Policy & Budget Council; Schools & Learning Council; Ambler and others

Tied Bills: None

Iden./Sim Bills: CS/SB 1570

Committee(s) of Reference: Policy & Budget Council

The bill requires the Office of Economic and Demographic Research to conduct a study of higher education enrollment forecasting models currently used in the state.

The bill requires the Department of Education to conduct a comprehensive review of courses on the statewide course numbering system and update the system as necessary. In addition, the Department of Education must develop and maintain an online listing of all courses in the statewide course numbering system and the institutions that offer each course. The listing must be available to the public. Nonpublic institutions, as a condition of participating in the statewide course numbering system, must identify in their catalogs the specific courses that are included in the course numbering system.

The bill establishes the Florida Business and Education Collaborative as a state-level advisory group to the Governor; Legislature; State Board of Education; Board of Governors; and other educational boards to promote economic-development aligned strategies for public and private postsecondary education.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of existing articulation policies and identify any current practices that may serve as unnecessary barriers or impediments to students.

The bill permits any state building, road, bridge, park, recreational complex, or other similar facility of a state university to be named for a living person by the university board of trustees in accordance with rules adopted by the Board of Governors of the State University System.

The bill provides guidelines for tuition and fees, funding, and faculty workload for community college baccalaureate degree programs. The bill also modifies the review and approval process for community college baccalaureate degree programs to include input from public and private colleges and universities.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on 21st Century Competitiveness

CS/HB 1161 – High School Work Experience

By Schools & Learning Council; Ambler and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 2458

Committee(s) of Reference: Schools & Learning Council; 21st Century Competitiveness; Policy & Budget Council (W/D)

The bill provides for the creation of the High School to Business Career Enhancement Program. The program is established to offer certain high school students in each school district the opportunity to participate in an internship program with local employers that have partnered with the district to offer such opportunity. District school boards are required to adopt policies and procedures for the implementation of this program. The internships shall be coordinated with the career goals of each student participant.

The bill provides that no more than 100 internships may be offered each school year by a district school board. An internship shall be at least 8 weeks long but no more than 20 consecutive weeks during any school year, and a student is prohibited from working more than 20 hours per week. The participating employer is required to monitor the academic value of the internship using criteria developed by the school board and must conduct an evaluation of the student at the conclusion of the internship.

The bill provides that the number of internships that an employer may provide is limited according to the number of employees that the employer employs in the school district in which the internship is offered. It clarifies that the employment of students participating in this program is not subject to unemployment tax under ch. 443. Also, the bill requires any employees or contracted personnel of an employer participating in this program who have direct unsupervised access to student interns be subject to the level 2 background screening requirements as described in s. 1012.32, F.S. The employer is required to bear the cost of the state and federal criminal history check required by level 2 background screening of such persons.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 1232 – Career & Professional Education

By Education Pre-K - 12 Appropriations; Education Pre-K - 12; Gaetz

Tied Bills: None

Iden./Sim Bills: CS/HB 965; SB 2622

Committee(s) of Reference: Education Pre-K - 12; Education Pre-K - 12 Appropriations

The bill creates the Florida Career and Professional Education Act to provide a statewide planning partnership between business and education communities, to improve middle and high school academic performance, support local regional economic development, and address critical workforce needs.

School district requirements

The bill requires school districts to develop, in collaboration with local workforce boards and the postsecondary community, strategic five-year plans that objectively address the needs of local and regional workforce through the development and implementation of academies. The strategic plan must include provisions for at least one career and professional academy to be operational in the school district at the beginning of the 2008-2009 school year.

The bill encourages the Florida Virtual School to offer rigorous career courses to meet any district academy course deficits. The bill also authorizes two or more school districts to collaborate in developing and offering career academies, provided the strategic plan is approved by the Agency for Workforce Innovation (AWI) and certain requirements are met.

The bill requires career and professional academies to include the following:

- A rigorous, standards-based academic curriculum integrated with a career curriculum that leads to industry certification, a standard high school diploma, and postsecondary credit as appropriate;
- Instruction in a career designated as high-growth, high-demand, and high-pay by the local or regional workforce board;
- One or more partnerships between the local school district, postsecondary institutions approved to operate in Florida, and local workforce boards;
- •Maximum articulation of credits based on articulation agreements between the academy and postsecondary institutions approved to operate in Florida;
- Instruction from highly skilled, industry-certified professionals;
- Internships, externships, and on-the-job training;
- Maximum use of private-sector facilities and personnel;
- Personalized academic advisement and support for middle grades career exploration;
- Attainment, at minimum, of the Gold Seal Scholars award; and
- An evaluation plan developed jointly with the Department of Education and the local workforce board.

State Board of Education and Agency for Workforce Innovation (AWI) requirements

The bill requires the State Board of Education to establish an expedited process for the continuous review of newly proposed rigorous and relevant core high school courses. The review would be conducted by an appointed curriculum committee comprised of subject area, business, and postsecondary experts. Decisions regarding course eligibility must be made within 60 days. Approved courses would be included in the Course Code Directory and would also be considered for possible dual enrollment and postsecondary credit.

The bill requires the AWI to identify appropriate industry certification based on the highest national standards available. Local work force boards and academies may request additions to the list of industry certifications, provided requests are based upon

high-demand labor needs of the regional workforce economy. The AWI would publish annually an updated list of industry certifications to be used within the career academies.

The bill requires the Department of Education to work with Workforce Florida and Enterprise Florida in the collection and analysis of academic achievement and performance data of academy students. The bill requires an evaluation plan and self-assessment tool to determine outcomes such as graduation rates, achievement of industry certification, postsecondary enrollment, satisfaction of business and industry, employment rates, earnings figures, and awards of scholarships and postsecondary credit.

The bill amends the FEFP calculation and provides supplemental weighted funding, as specified in the General Appropriations Act, for students enrolled in career and professional academies, provided the instruction leads to industry certification upon academy completion. Districts, however, will not be eligible to receive both career academy and dual enrollment weighted funding for participating students, and the total appropriation is limited to \$30 million annually.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Education Innovation & Career Preparation

CS/HB 343– Public Postsecondary Need-Based Student Financial Assistance By Schools & Learning Council; Bean and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 918

Committee(s) of Reference: Schools & Learning Council; Education Innovation & Career Preparation; Policy & Budget Council

The bill expands the Florida Student Assistance Grant Program (FSAG) by creating the Florida Public Postsecondary Career Education Student Assistance Grant (FCESAG) to provide need-based financial aid to postsecondary career certificate students who attend a community college or district school board operated career center. Unlike other FSAG programs, the bill provides that postsecondary career certificate students are not required to qualify for a Pell Grant to receive aid through the FCESAG.

The bill also expands eligibility for the Florida Work Experience Program (FWEP) to: (a) postsecondary career certificate students who attend a community college or district school board operated career center; and (b) students pursuing teacher certification at an Educator Preparation Institute.

Further, the bill amends the FWEP program to provide that employers may be reimbursed for *up to* 70 percent of a student's wages and it requires employers to pay student employees the federal or state minimum wage, whichever is greater. Postsecondary institutions must pay for certain mandatory prerequisites to a student's employment with a public elementary or secondary school. The bill authorizes each postsecondary institution to use up to 100 percent of its FWEP funding to employ students within the institution and to reimburse itself for 100 percent of such students' wages.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 461 – High School Athletics

By Schools & Learning Council; Llorente and others

Tied Bills: CS/HB 463; SB 2202

Iden./Sim Bills: CS/SB 2200

Committee(s) of Reference: Schools & Learning Council; Education Innovation & Career Preparation; Policy & Budget Council

The bill establishes a one-year, random, anabolic steroids testing program for students in grades 9 through 12 who participate in football, baseball, and weightlifting. The program is to be administered by the Florida High School Athletic Association (FHSAA) during the 2007-2008 school year. Public and private schools must participate in the program as a prerequisite to FHSAA membership.

Up to one percent of student athletes may be tested for steroid use under the program. If a test is positive, the school must immediately suspend the student from participation in all interscholastic athletic practice and competition for a period of 90 days and the

student must attend a drug education program. Eligibility for athletics may not be restored until the student tests negative on an exit drug test. The drug test result and the period of ineligibility may be appealed by the school and student.

The bill requires the FHSAA to report on program results to the Legislature by October 1, 2008. The report must include statistics on the number of students tested; the number of violations; the number of appeals and their dispositions; and the costs incurred by FHSAA to administer the program.

Tied legislation, CS/HB 463, provides that all records relating to the steroid drug tests and any appeals thereof are exempt from open public records requirements and that the portions of meetings during which such records are discussed are exempt from open public meetings requirements.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

HB 1421 – Digital Divide Council

By Brisé and others

Tied Bills: None

Iden./Sim Bills: SB 2304

Committee(s) of Reference: Schools & Learning Council; Education Innovation & Career Preparation; Policy & Budget Council (W/D)

The Digital Divide Council (DDC) was established by the Legislature in 2001 within the State Technology Office (STO). The DDC is authorized by statute to design and implement programs that increase access to information technology for at-risk individuals and members of underserved communities. Due to the fact that the STO has not been funded since 2005, the DDC has ceased operations.

The bill re-establishes the Digital Divide Council (DDC) within the Department of Education. The bill reconfigures the list of individuals that comprise the DDC's membership and it provides that appointed members of the DDC will serve a one-year term beginning July 1, 2007, and ending June 30, 2008. Successor appointees will serve two-year terms beginning July 1, 2008.

The bill requires that the DDC meet every 90 days. It also removes the requirement in current law that DDC programs be implemented initially as pilot programs and limited to six locations throughout the state.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on K-12

CS/SB 108 – Minority & Underrepresented Student Achievement

By Education Pre-K - 12; Hill and others

Tied Bills: None

Iden./Sim Bills: CS/HB 403

**Committee(s) of Reference: Education Pre-K - 12; Governmental Operations;
Education Pre-K - 12 Appropriations (W/D)**

The bill requires the Florida Partnership for Minority and Underrepresented Student Achievement (Partnership) to work with school districts to identify minority and underrepresented students for participation in Advanced Placement (AP) and other advanced courses. The Partnership must provide information to students and parents regarding opportunities to take AP and other advanced courses. It must also provide information to parents, teachers, counselors, administrators, school districts, community colleges, and state universities regarding opportunities to take the Preliminary SAT/National Merit Scholarship Qualifying Test or the Preliminary ACT. The bill also requires the Partnership to cooperate with the Department of Education to provide information about its activities to administrators, teachers, and counselors.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 511 – School Districts

By Schools & Learning Council; Kendrick and others

Tied Bills: None

Iden./Sim Bills: CS/SB 574; CS/SB 1228

Committee(s) of Reference: Schools & Learning Council; K-12

CS/HB 511 directs the State Board of Education to designate a school district as an academically high-performing school district, if the district:

- Earns a district grade of "A" for 2 consecutive years, beginning with the 2004-2005 school year;
- Has no district-operated school that earns a grade of "F";
- Complies with all class-size requirements; and
- Has no material weaknesses or instances of material noncompliance noted in its annual financial audit.

A school district maintains the academically high-performing designation for 3 years, if the district complies with the initial eligibility criteria and earns at least a grade of "A" for 2 years within a 3-year period. However, a district loses the designation if a district-operated school earns a grade of "F" during the 3-year period.

An academically high-performing school district, during the 3-year-period, is exempt from the provisions of the Florida K-20 Education Code (Chs. 1000-1013, F.S.), which pertain to school districts, and state board rules implementing the exempt provisions. However, an academically high-performing school district is not exempt from laws and rules pertaining to students with disabilities; civil rights; student health, safety, and welfare;

election or compensation of district school board members; the student assessment program; the school grading system; most financial matters; most planning and budgeting provisions; differentiated pay and performance pay policies for school administrators and instructional personnel; most educational facilities provisions; and certain instructional materials provisions.

An academically high-performing school district may renew the designation at the end of the 3-year period, and the district is required to submit an annual report on the district's performance to the State Board of Education and the Legislature.

Current law restricts a school district's use of revenues from the two-mill nonvoted capital improvement levy to certain projects. A school district is exempt from the restrictions if the Commissioner of Education certifies that all of the district's instructional space needs for the next 5 years can be met from capital outlay sources that the district reasonably expects to receive within 5 years or from sound methods of meeting the district's space needs. The bill adds three additional requirements that a school district must meet in order to be exempt from the restrictions:

- The district must meet the class-size reduction requirements for the current year;
- The district must receive an unqualified opinion of its financial statements for the preceding 3 years; and
- The district must have no material weaknesses or instances of material noncompliance in an audit for the preceding 3 years.

If a school district meets all of the requirements for exemption from the restrictions, the bill allows the district to use revenues from the two-mill levy to pay premiums for the district's property and casualty insurance necessary to insure the educational and ancillary plants of the school district. Operating revenues made available due to a school district's use of the two-mill levy for property and casualty insurance may be used only for the district's nonrecurring operational expenditures.

The bill requires a school district, if the district anticipates using revenues from the two-mill levy for property and casualty insurance premiums, to list that anticipated use on the list of projects included on its annual public tax notice published in a newspaper of general paid circulation in the district.

The bill reorganizes provisions relating to the use of revenues from the two-mill levy and deletes redundant and obsolete provisions.

The bill also directs the State Board of Education to submit recommendations to the Legislature by December 1, 2007, on the elimination of state reporting requirements that are duplicative of required reporting under the federal No Child Left Behind Act.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

CS/CS/HB 967 – Physical Education

By Policy & Budget Council; Schools & Learning Council; Weatherford and others

Tied Bills: None

Iden./Sim Bills: CS/CS/SB 2746

Committee(s) of Reference: Schools & Learning Council; K-12; Policy & Budget Council

The bill requires district school boards to provide 150 minutes of physical education each week to students in kindergarten through grade 5. The bill broadly defines physical education as the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance. The definition also includes the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being.

The bill also requires the Commissioner of Education to make available on the Department of Education's website: links to the Internet-based clearinghouse for professional development; school wellness and physical education policies; and other internet sites that provide professional development for elementary teachers of physical education. The information on the department's website must provide elementary teachers with information concerning current physical education and nutrition philosophy. In addition, the bill requires the State Board of Education to review, and revise as necessary, the Sunshine State Standards to ensure the standards reflect the state-of-the-art physical education philosophy and practice in this state.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

**CS/SB 1456 – Sales Tax/School Supplies & Clothing
By General Government Appropriations; Webster and others
Tied Bills: None**

Iden./Sim Bills: CS/HB 215

Committee(s) of Reference: Finance and Tax; General Government Appropriations

CS/SB 1456 establishes a 2007 sales tax holiday on August 4-13, 2007 (10 days). During the sales tax holiday, the following items that cost \$50 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Books (defined as "printed sheets bound together and published in a volume," but excluding newspapers, magazines, and other periodicals);
- Clothing (defined as an "article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body," but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

During the 10-day sales tax holiday, the bill also exempts school supplies that cost \$10 or less per item, which the bill defines as "pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators."

The sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport.

The bill authorizes the Department of Revenue to adopt rules to carry out the sales tax holiday and exempts the department from the rulemaking requirements in the Administrative Procedure Act (Ch. 120, F.S.).

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 2512 – English for Speakers of Other Languages/Educators

By Education Pre-K - 12; Wise and others

Tied Bills: None

Iden./Sim Bills: CS/HB 1219

Committee(s) of Reference: Education Pre-K - 12; Education Pre-K - 12

Appropriations

CS/SB 2512 establishes inservice requirements for teachers of English for Speakers of Other Languages (ESOL), as follows:

- Primary English instructor (Basic ESOL) who is an English/language arts teacher: 300 inservice hours or the equivalent;
- Instructor teaching reading, mathematics, science, social studies, or computer literacy: 60 inservice hours or the equivalent;
- Instructor teaching other subject areas: 18 inservice hours or the equivalent; and
- School administrator or guidance counselor: 60 inservice hours or the equivalent.

The bill, in effect, reduces the ESOL inservice requirements for reading instructors from 300 inservice hours to 60 inservice hours.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

Committee on Postsecondary Education

SB 192 – FGCU/B.S. Degree/Long-term Care

By Saunders and others

Tied Bills: None

Iden./Sim Bills: HB 227

Committee(s) of Reference: Higher Education; Higher Education Appropriations (W/D)

The bill authorizes Florida Gulf Coast University to implement a bachelor of science degree program in long-term care administration.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 412 – Education/ Children of POWs or MIAs

By Military Affairs and Domestic Security; Baker and others

Tied Bills: None

Iden./Sim Bills: CS/HB 35

Committee(s) of Reference: Military Affairs and Domestic Security; Higher Education Appropriations (W/D)

The bill expands the requirement that the state provide educational opportunities for citizens of Florida who have a parent classified as a prisoner of war or missing in action while serving with the consent or authorization of the United States Government.

The bill deletes the restriction in current law that limits the education benefits to children whose parents served in the Korean Conflict or the Vietnam Era; reduces the Florida residency requirement from 5 years to 1 year prior to an event resulting in said parent being declared a prisoner of war or missing in action; and deletes the reference in current law that requires the parent to have been a permanent resident of Florida on the effective date of the act. The effective date of the original act to provide educational opportunities to children of prisoners of war and persons missing in action was July 1, 1972.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/HB 721 –Tax on Sales, Use, and Other Transactions

By Schools & Learning Council; Proctor and others

Tied Bills: None

Iden./Sim Bills: CS/SB 2102

Committee(s) of Reference: Schools & Learning Council; Postsecondary Education; Policy & Budget Council

The bill creates a tax exemption for bookstores operated on behalf of postsecondary educational institutions. This exemption eliminates the taxes imposed on the rent, lease, or other utilization of the property paid by the bookstore operators to postsecondary educational institutions for the use of that property, and is to be applied retroactively to amounts paid on or after January 1, 2006. The bill also provides that the retroactive application is remedial in nature, and is not to be construed as a right to a refund or to

require a refund by any governmental entity of any tax prior to the effective date of this act.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. The bill operates retroactively to amounts paid on or after January 1, 2006.

CS/CS/SB 1160 – Building & Facility Designations

By Governmental Operations; Higher Education; Dockery and others

Tied Bills: None

Iden./Sim Bills: Includes part of CS/HB 621; CS/HB 1201

Committee(s) of Reference: Higher Education; Governmental Operations

The bill provides for the following building designations at the University at Florida: the Bispham Turfgrass Support Building; the Mark Bostick Golf Course; the L. Gale Lemerand Football Support Facility; and, the Katie Seashole Pressly Stadium. The University of Florida is directed to erect suitable markers to reflect such designations.

The bill provides the following building designations at the University of South Florida: the Frank and Carol Morsani Center for Advanced Health Care; the Glenn Burdick College of Engineering Building; and the Alfred and Rose Schiff Dean's Conference Room. The University of South Florida is directed to erect suitable markers to reflect such designations.

The bill provides the following building designations at the University of Central Florida: the Nicholson School of Communication; the Anthony and Sonja Nicholson Field House; the James and Annie Ying Academic Center; and the Burnett Biomedical Science Building. The University of Central Florida is directed to erect suitable markers to reflect such designations.

The bill provides the following building designation at the Florida International University: the Ronald W. Reagan Presidential House. The Florida International University is directed to erect suitable markers to reflect such designations.

The bill provides the following building designation at the Department of Education office in Jacksonville: the Mary L. Singleton Education Office. The Department of Education is directed to erect suitable markers to reflect such designations.

The bill provides the following building designation at the administration building at the Florida State Hospital in Chattahoochee: the William DeWitt Rogers Administration Building. The Department of Children and Family Services is directed to erect suitable markers to reflect such designations.

The bill provides the following building designation at the Florida Center for Nursing in Orlando: the Florida Barbara B. Lumpkin Center for Nursing. The Department of Health is directed to erect suitable markers to reflect such designations.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/CS/SB 1270 – Education**By Higher Education Appropriations; Higher Education; Oelrich and others****Tied Bills: None****Iden./Sim Bills: CS/HB 7149****Committee(s) of Reference: Higher Education; Higher Education Appropriations**

The bill provides a comprehensive revision of laws relating to university governance.

The bill repeals certain statutory provisions that are no longer needed because they fall within the constitutional responsibilities of the Board of Governors of the State University System.

The bill provides the statutory organizational structure for the Board of Governors and the board's staff and updates statutory references.

The bill outlines the powers and duties of the Board of Governors.

The bill revises the powers and duties of the university boards of trustees.

The bill clarifies the power and duties of the State Board of Education, Commissioner of Education, and Department of Education with regard to state universities.

The bill updates or removes obsolete terminology, such as references to the Board of Regents and the State Board of Community Colleges.

The bill corrects drafting errors and makes conforming changes.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

CS/SB 1710 – Student University Student Fees**By Higher Education Appropriations; Oelrich and others****Tied Bills: None****Iden./Sim Bills: CS/HB 905****Committee(s) of Reference: Higher Education; Higher Education Appropriations**

The bill authorizes the Board of Governors to establish an undergraduate tuition differential at universities that meet the Funding Level 1 or Funding Level 2 criteria associated with the State University System Research and Economic Development Investment Program. UF, FSU, and USF meet these criteria.

- The tuition differential for Funding Level 1 universities (UF and FSU) may not exceed 40% of tuition.
- The tuition differential for Funding Level 2 universities (USF) may not exceed 30% of tuition.
- Annual increases are capped at 15% of the total charged for these fees in the preceding fiscal year.
- The bill provides exceptions for certain students.
 - The tuition differential may not be charged to any student who was in attendance at the university prior to July 1, 2007 and maintains continuous enrollment.

- Beneficiaries with Prepaid tuition contracts which were in effect on July 1, 2007 and which remain in effect are exempt from the payment of the tuition differential.
- The tuition differential may be waived for any student who meets the eligibility criteria for the state's need-based aid program.
- The tuition differential will not be covered by Bright Futures.
- The board of trustees of a university authorized to establish a tuition differential may establish it at a rate lower than the rate authorized by the Board of Governors.
- The revenue generated by the tuition differential must be spent solely for improving the quality of undergraduate education.
- The Board of Governors must collect information annually regarding receipt and expenditure of the proceeds from the assessment of the tuition differential.
- The Prepaid Program is authorized to sell advance payment contracts for the tuition differential.

The bill also authorizes the transfer of certain fee revenues to a university direct support organization to pay and secure debt on projects finances pursuant to s. 1010.62, F.S.

Subject to the Governor's veto powers, the effective date of this bill is July 1, 2007.

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SB 996	HB 7123	Environment & Natural Resources Council
SB 998	HB 529	Jobs & Entrepreneurship Council
SB 1004	SB 1004	Safety & Security Council
SB 1010	HB 537	Economic Expansion & Infrastructure Council
SB 1014	SB 1014	Government Efficiency & Accountability Council
SB 1024	HB 333	Policy & Budget Council
SB 1026	SB 1026	Government Efficiency & Accountability Council
SB 1030	SB 1030	Safety & Security Council
SB 1034	SB 1034	Healthcare Council
SB 1036	HB 259	Economic Expansion & Infrastructure Council
SB 1038	HB 1047	Jobs & Entrepreneurship Council
SB 1046	SB 1046	Schools & Learning Council
SB 1049	SB 426	Economic Expansion & Infrastructure Council
SB 1060	SB 1060	Policy & Budget Council
SB 1060	SB 1060	Schools & Learning Council
SB 1064	SB 1064	Policy & Budget Council
SB 1064	SB 1064	Schools & Learning Council
SB 1074	HB 83	Economic Expansion & Infrastructure Council
SB 1088	SB 1088	Safety & Security Council

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SB 1100	SB 1100	Jobs & Entrepreneurship Council
SB 1104	SB 1104	Environment & Natural Resources Council
SB 1116	SB 1116	Healthcare Council
SB 1124	SB 1124	Healthcare Council
SB 1126	SB 1126	Healthcare Council
SB 1134	SB 1134	Economic Expansion & Infrastructure Council
SB 1134	HB 985	Economic Expansion & Infrastructure Council
SB 1152	HB 7177	Policy & Budget Council
SB 1160	SB 1160	Schools & Learning Council
SB 1178	SB 1178	Government Efficiency & Accountability Council
SB 1182	HB 7201	Government Efficiency & Accountability Council
SB 1202	HB 549	Environment & Natural Resources Council
SB 1206	SB 1206	Economic Expansion & Infrastructure Council
SB 1226	SB 1226	Schools & Learning Council
SB 1228	HB 511	Schools & Learning Council
SB 1232	SB 1232	Schools & Learning Council
SB 1270	SB 1270	Schools & Learning Council
SB 1302	SB 138	Economic Expansion & Infrastructure Council
SB 1308	SB 1308	Government Efficiency & Accountability Council
SB 1310	SB 1310	Government Efficiency & Accountability Council
SB 1312	SB 1312	Safety & Security Council
SB 1314	SB 1314	Safety & Security Council
SB 1316	SB 1316	Safety & Security Council
SB 1318	SB 1318	Healthcare Council
SB 1320	SB 1320	Government Efficiency & Accountability Council
SB 1322	SB 1322	Government Efficiency & Accountability Council
SB 1324	SB 1324	Government Efficiency & Accountability Council
SB 1326	SB 1326	Schools & Learning Council
SB 1328	SB 1328	Schools & Learning Council
SB 1330	SB 1330	Schools & Learning Council
SB 1332	SB 1332	Schools & Learning Council
SB 1334	SB 1334	Schools & Learning Council
SB 1348	HB 7197	Government Efficiency & Accountability Council
SB 1350	HB 455	Healthcare Council
SB 1372	SB 1372	Environment & Natural Resources Council
SB 1374	HB 405	Safety & Security Council
SB 1376	SB 1376	Environment & Natural Resources Council
SB 1388	HB 1309	Healthcare Council

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SB 1394	SB 1394	Healthcare Council
SB 1416	HB 1199	Environment & Natural Resources Council
SB 1426	HB 7085	Government Efficiency & Accountability Council
SB 1430	SB 1430	Economic Expansion & Infrastructure Council
SB 1448	SB 1448	Government Efficiency & Accountability Council
SB 1452	SB 1452	Government Efficiency & Accountability Council
SB 1454	HB 985	Economic Expansion & Infrastructure Council
SB 1456	SB 1456	Schools & Learning Council
SB 1468	HB 7197	Government Efficiency & Accountability Council
SB 1472	SB 1472	Environment & Natural Resources Council
SB 1488	SB 1488	Government Efficiency & Accountability Council
SB 1490	HB 7085	Government Efficiency & Accountability Council
SB 1492	HB 7127	Government Efficiency & Accountability Council
SB 1508	SB 1508	Healthcare Council
SB 1510	SB 1510	Government Efficiency & Accountability Council
SB 1522	HB 1427	Environment & Natural Resources Council
SB 1562	HB 985	Economic Expansion & Infrastructure Council
SB 1566	SB 138	Economic Expansion & Infrastructure Council
SB 1592	HB 7183	Government Efficiency & Accountability Council
SB 1594	HB 7183	Government Efficiency & Accountability Council
SB 1596	HB 1277	Safety & Security Council
SB 1604	SB 1604	Safety & Security Council
SB 1612	HB 229	Safety & Security Council
SB 1624	SB 1624	Government Efficiency & Accountability Council
SB 1626	HB 1375	Economic Expansion & Infrastructure Council
SB 1630	SB 1630	Economic Expansion & Infrastructure Council
SB 1638	SB 1638	Jobs & Entrepreneurship Council
SB 1644	SB 1644	Safety & Security Council
SB 1648	HB 515	Schools & Learning Council
SB 1676	HB 1003	Economic Expansion & Infrastructure Council
SB 1678	HB 411	Jobs & Entrepreneurship Council
SB 1700	SB 1700	Healthcare Council
SB 1710	SB 1710	Schools & Learning Council
SB 1722	HB 815	Economic Expansion & Infrastructure Council
SB 1732	SB 1732	Healthcare Council
SB 1744	HB 1051	Government Efficiency & Accountability Council
SB 1748	SB 1748	Jobs & Entrepreneurship Council
SB 1758	SB 1758	Healthcare Council
SB 1760	SB 1760	Government Efficiency & Accountability Council

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SB 1762	HB 83	Economic Expansion & Infrastructure Council
SB 1770	SB 1770	Safety & Security Council
SB 1774	HB 143	Safety & Security Council
SB 1776	HB 1039	Environment & Natural Resources Council
SB 1780	HB 707	Economic Expansion & Infrastructure Council
SB 1792	SB 1792	Safety & Security Council
SB 1794	SB 1792	Safety & Security Council
SB 1818	SB 1818	Jobs & Entrepreneurship Council
SB 1822	SB 1822	Jobs & Entrepreneurship Council
SB 1824	SB 1824	Jobs & Entrepreneurship Council
SB 1844	SB 1844	Safety & Security Council
SB 1848	SB 1848	Government Efficiency & Accountability Council
SB 1850	HB 7187	Government Efficiency & Accountability Council
SB 1852	SB 1852	Government Efficiency & Accountability Council
SB 1862	SB 1952	Environment & Natural Resources
SB 1864	HB 7057	Jobs & Entrepreneurship Council
SB 1866	SB 2498	Jobs & Entrepreneurship Council
SB 1894	SB 1894	Jobs & Entrepreneurship Council
SB 1900	SB 1900	Economic Expansion & Infrastructure Council
SB 1916	SB 1916	Healthcare Council
SB 1920	SB 1920	Economic Expansion & Infrastructure Council
SB 1926	HB 1301	Economic Expansion & Infrastructure Council
SB 1928	HB 985	Economic Expansion & Infrastructure Council
SB 1936	HB 311	Safety & Security Council
SB 1946	HB 99	Government Efficiency & Accountability Council
SB 1950	SB 1950	Government Efficiency & Accountability Council
SB 1952	SB 1952	Environment & Natural Resources Council
SB 1972	SB 1972	Government Efficiency & Accountability Council
SB 1974	SB 1974	Government Efficiency & Accountability Council
SB 1980	SB 1900	Economic Expansion & Infrastructure Council
SB 1980	HB 7173	Environment & Natural Resources Council
SB 1982	HB 7173	Environment & Natural Resources Council
SB 1986	SB 1900	Economic Expansion & Infrastructure Council
SB 2022	HB 543	Healthcare Council
SB 2032	HB 7181	Healthcare Council
SB 2038	SB 2038	Economic Expansion & Infrastructure Council
SB 2040	HB 7111	Healthcare Council
SB 2042	SB 1900	Economic Expansion & Infrastructure Council

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SB 2046	SB 1900	Economic Expansion & Infrastructure Council
SB 2052	SB 1900	Economic Expansion & Infrastructure Council
SB 2052	SB 2052	Environment & Natural Resources Council
SB 2054	HB 981	Environment & Natural Resources Council
SB 2054	HB 7123	Environment & Natural Resources Council
SB 2084	HB 7087	Jobs & Entrepreneurship Council
SB 2092	SB 2092	Schools & Learning Council
SB 2102	HB 721	Schools & Learning Council
SB 2114	SB 2114	Healthcare Council
SB 2118	SB 2118	Safety & Security Council
SB 2120	HB 1269	Healthcare Council
SB 2132	HB 985	Economic Expansion & Infrastructure Council
SB 2136	HB 7123	Environment & Natural Resources
SB 2142	SB 2142	Government Efficiency & Accountability Council
SB 2148	SB 252	Safety & Security Council
SB 2162	SB 2162	Government Efficiency & Accountability Council
SB 2180	HB 1185	Safety & Security Council
SB 2198	SB 2198	Jobs & Entrepreneurship Council
SB 2200	HB 461	Schools & Learning Council
SB 2202	HB 463	Schools & Learning Council
SB 2218	HB 743	Safety & Security Council
SB 2224	SB 2224	Government Efficiency & Accountability Council
SB 2234	SB 2234	Jobs & Entrepreneurship Council
SB 2250	SB 2142	Government Efficiency & Accountability Council
SB 2260	SB 2260	Healthcare Council
SB 2278	HB 985	Economic Expansion & Infrastructure Council
SB 2284	HB 7005	Rules & Calendar Council
SB 2286	HB 7007	Rules & Calendar Council
SB 2288	HB 7003	Rules & Calendar Council
SB 2292	HB 1375	Economic Expansion & Infrastructure Council
SB 2296	SB 138	Economic Expansion & Infrastructure Council
SB 2300	HB 537	Economic Expansion & Infrastructure Council
SB 2304	HB 1421	Schools & Learning Council
SB 2312	SB 2312	Safety & Security Council
SB 2346	SB 2346	Environment & Natural Resources Council
SB 2346	SB 2346	Environment & Natural Resources Council
SB 2368	HB 529	Jobs & Entrepreneurship Council
SB 2376	HB 1489	Government Efficiency & Accountability Council

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SB 2388	SB 2388	Environment & Natural Resources Council
SB 2394	SB 2394	Government Efficiency & Accountability Council
SB 2398	HB 7163	Jobs & Entrepreneurship Council
SB 2404	HB 851	Economic Expansion & Infrastructure Council
SB 2406	HB 853	Economic Expansion & Infrastructure Council
SB 2414	HB 83	Economic Expansion & Infrastructure Council
SB 2416	HB 131	Economic Expansion & Infrastructure Council
SB 2420	HB 131	Economic Expansion & Infrastructure Council
SB 2422	HB 131	Economic Expansion & Infrastructure Council
SB 2458	HB 1161	Schools & Learning Council
SB 2482	SB 2482	Government Efficiency & Accountability Council
SB 2484	SB 2484	Jobs & Entrepreneurship Council
SB 2488	HB 7205	Economic Expansion & Infrastructure Council
SB 2490	HB 1305	Economic Expansion & Infrastructure Council
SB 2498	SB 2498	Jobs & Entrepreneurship Council
SB 2512	SB 2512	Schools & Learning Council
SB 2590	SB 1900	Economic Expansion & Infrastructure Council
SB 2592	SB 1900	Economic Expansion & Infrastructure Council
SB 2606	HB 743	Safety & Security Council
SB 2612	HB 131	Economic Expansion & Infrastructure Council
SB 2634	SB 2634	Healthcare Council
SB 2666	HB 7123	Environment & Natural Resources Council
SB 2694	HB 7123	Environment & Natural Resources Council
SB 2700	HB 1491	Economic Expansion & Infrastructure Council
SB 2702	HB 1381	Jobs & Entrepreneurship Council
SB 2730	HB 1277	Safety & Security Council
SB 2738	SB 138	Economic Expansion & Infrastructure Council
SB 2746	HB 967	Schools & Learning Council
SB 2752	HB 1315	Government Efficiency & Accountability Council
SB 2754	HB 1427	Environment & Natural Resources Council
SB 2766	SB 2766	Environment & Natural Resources Council
SB 2768	HB 1285	Safety & Security Council
SB 2772	HB 1405	Government Efficiency & Accountability Council
SB 2782	HB 1549	Jobs & Entrepreneurship Council
SB 2784	HB 985	Economic Expansion & Infrastructure Council
SB 2802	SB 2802	Policy & Budget Council
SB 2804	SB 1134	Economic Expansion & Infrastructure Council
SB 2804	HB 985	Economic Expansion & Infrastructure Council
SB 2836	SB 2836	Economic Expansion & Infrastructure Council

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SB 2848	HB 7167	Government Efficiency & Accountability Council
SB 2856	HB 1177	Jobs & Entrepreneurship Council
SB 2858	SB 2858	Healthcare Council
SB 2860	HB 1283	Economic Expansion & Infrastructure Council
SB 2866	SB 2866	Healthcare Council
SB 2870	HB 7107	Healthcare Council
SB 2880	HB 985	Economic Expansion & Infrastructure Council
SB 2908	HB 529	Jobs & Entrepreneurship Council
SB 2912	SB 2912	Economic Expansion & Infrastructure Council
SB 2968	SB 2968	Policy & Budget Council
SCR 2396	HCR 7011	Rules & Calendar Council
SCR 2874	SCR 2874	Rules & Calendar Council
SJR 166	SJR 166	Safety & Security Council
SM 1506	SM 1506	Healthcare Council
SM 1680	SM 1680	Environment & Natural Resources Council
SM 1698	SM 1698	Government Efficiency & Accountability Council
SM 2770	SM 2770	Environment & Natural Resources Council
SM 2770	SM 2770	Environment & Natural Resources Council